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THE NEW REPUBLIC

March 7, 1964, 35 cents

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T.R.B. *from Washington*

Twenty Years After

★ All this talk about the 50th anniversary of *The New Republic* caused us to look back at the dusty manila files of our own contributions. Good Lord, there were 20 of them! Yes, it was 1944 when we started making regular contributions to this space. We pulled out the crumbling pages uneasily, remembering the casual invitation of Bruce Bliven to take over from Ken Crawford, and wondering what monstrous blunders we should find.

Jan. 3, 1944 – "Mr. Roosevelt's implied criticism in his Christmas broadcast is interpreted by some here as the start of the fourth-term candidacy."

Ah, me! So that was it, was it? And next week FDR was recapitulating New Deal accomplishments: "It was amusing to watch the President's face. (He) is a good actor and put on a look, whether real or studied, of self-deprecatory worth as he recited them, a good deal like a modest but excellent scholar compelled to read aloud the latest marks on his shining report card."

How it came back, the arch grimace, the cock of the cigarette holder, the self-enjoyment, the enemies that made us love him and the complete mastery of his medium – that was FDR.

In early 1944 there is talk of a man named Wendell Willkie; of "the forthcoming cross-channel invasion" (not "an" invasion, mind you, but "the" invasion) and a passing comment that "China is in a dreadfully difficult position" (just how difficult we were to discover soon enough).

TRB, we note, used the first person singular a good deal in those days, a journalistic problem not settled even today, though we always remember the man who told us that nobody should use "we" except royalty and people with tape-worms.

We got engrossed in our anniversary. Here we were needling *The Reader's Digest* for its article (August, 1943) by Louis Bromfield: "We Aren't Going to Have Enough to Eat," grimly headlined by the editors: "What muddling in Washington has done to our food supply." Farmer Bromfield terrifyingly predicted, "The situation will grow worse this fall and reach its most desperate stage this winter, especially from February on. If it were possible, I would rather not think about next February. By then most of our people will be living on a diet well below the nutrition level."

Bromfield made his prediction of February famine in August, and now here it was February, 1944, and it seemed legitimate to kid the magazine a bit. How young we were then. For 20 years *Reader's Digest* has had as dire a prediction of socialist calamity in nearly every issue, and its multi-million readership laps them up. The magazine was and is the only large-circulation periodical in the world that we know about (outside of Russia) that adamantly refuses to publish letters correcting mistakes, or giving the other side. (A letters-to-the-editor column is the Bill of Rights of responsible journalism.)

We find references to splendid newsmen of 20 years ago, Tom Stokes and Nate Robertson and Ray Clapper, who died that year on assignment. Suddenly, we discovered ourself, to our own horror, on shipboard off Normandy covering D-Day, the most scared correspondent of the war. Dawn found us on Hitler's doorstep like a milk bottle. We had a panoramic view of 30 miles of beachhead, and the only discomfort was the annoying jolt of our own 8-inch guns. War, you know. We remember how, suddenly, over from England thundered a line of glider-borne troops towed by transport planes, passing above us in soul-stirring formation, the twinkling spiderweb filament visibly connecting transport with glider; and even as the great endless host continued to roar past on one side of the ship, the first transports without gliders were returning on the other side.

It is a pleasure and a pain to read old columns. We never wrote one that couldn't have been better. A lot of our predictions look silly. We can't believe we ever influenced anybody very much, if at all, though it is nice to remember that JFK read us regularly; personally we deplore this staccato literary style which is an outgrowth of an effort, we suppose, to cram too many ideas into 800 words, like the coats bulging in a closet at a cocktail party.

Twenty years have brought TRB doubts about a lot of things but more certainty than ever about one, that private affluence can't continue beside public squalor, that "planning" has somehow got to emerge in America from being a dirty word, and that, probably, big government is going to get bigger, with the kind of social services in the US that all the other Western nations already supply.

We think these changes will come fairly quickly; yes, in another 20 years, and principally for this reason: Back in 1944 when this writer began here, the population was only 138 million; last week it rolled past the 191 million mark. The Census Bureau tells us that at the present rate it will be 252 million in 1980. Figure it out: just in a 20-year eye-wink America has added as many people as there are in the British Isles, and at the present rate of three million new arrivals a year it will add 61 million more in the next 16!

If you take an Olympian, 20-year view like this some things become simpler. Success in defeating reform by urging that things be "turned back to states" is about over, we think, because states are up to their neck in IOU's now. Washington's debt has been slowing down, so see what's happened to state and city debts!

In the same perspective, most of what the federal government is doing in social service is peanuts; the pending public-housing program of 60,000 units, for example, seems to us to be ridiculous tokenism.

Again, take public spending. If President Johnson feels he can win conservative votes by boasting of cutting down the budget he is probably politically right; that is, till after the election. The old myths die hard. But population growth is implacable; selected public spending must increase. You doubt it? Wait 20 years and see.

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Vietnam – No Exit?

It's no use for us to cry, "why not victory" in Vietnam. As Senator Mansfield and Secretary McNamara again remind us, the war there cannot be won by the United States. It can only be won by the Vietnamese; and from the dismaying evidence to date, the will to win is more tenacious among the Viet Cong and their sympathizers than among those in the South who are nominally loyal to Saigon. This is and has been true despite massive US assistance to successive governments in the South, despite the superiority of Saigon's military forces both in numbers and in equipment, and despite the incredible difficulties of moving infiltrators and their equipment from the North to the many areas in the South they now control.

The United States does not lack choices in Vietnam, only promising choices. For example, this country has the military power to hold on in the South for quite a long while, whatever the capabilities of the regime in Saigon, or whatever the wishes of most of the Vietnamese. But who would call this a policy for victory? In the end, a hold-fast, come-what-may commitment would mean reducing South Vietnam to a colony under American occupation – and that is a prospect that is distasteful to Americans and to everyone else.

On the other hand, the US could choose to say that Vietnam is not so crucial to our security as to justify more expenditure of men and material with no end in sight; that we do not think it prudent to tie down so much of our conventional force on this distant and unrewarding battlefield; and that Saigon will therefore be left to its own devices – which is to say, to hot pursuit by the Viet Cong. This option, however, is also not available to the President of the United States: it is too bald; it smacks of betrayal and would be interpreted generally as dishonorable defeat.

There is the choice then of pushing the war into the camp of the enemy, about which much has been written these past weeks. But push how far, how heavily, and against which enemy? Such talk could have some propaganda value in a war of nerves, but it is not a policy for victory – indeed, if taken seriously, it could prove a policy for mutual annihilation. In appreciation of that danger, within 24 hours after President Johnson last week warned those who supply the Viet Cong from outside that they are playing a "deeply dangerous game" (and, by inference, that we might find it necessary to show them just how dangerous it is), officials in Washington were spreading the word that the President had not meant to threaten any at-

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COMING: *What's inside the poverty package? A special report by Christopher Jencks*

tack across the 17th parallel. A raid here or there perhaps, but nothing that would dislodge the Communists from the North. The French Ambassador in Washington was assured specifically that the United States had no intention of bombing Hanoi.

Why is this option of moving the war North not feasible? Because it entails too grave a risk of escalation, of large-scale Chinese intervention, and of forcing a reluctant Moscow into a position where it must back up Peking. It violates as well the very principle of non-aggression, in defense of which the US first went to Vietnam.

What is to be done? Washington is committed to helping restore effective sovereignty to the government of South Vietnam. How can that commitment be made good? While the search for answers goes on, more men die, more of the countryside in the South falls to the guerrillas, arms deliveries to the Viet Cong are stepped up and seem traceable to Communist China. Though most of the weapons that have been captured are French or American, more and more are of Chinese manufacture, or Chinese modification of weapons from Eastern Europe. Since last fall, heavier armament has been coming in from the North, some transported by sea and landed on the tip of the peninsula in the South, in territory controlled by the Viet Cong; or carried in large ships up the Mekong River, unloaded, hidden in smaller craft that move through innumerable and unpatrolable canals and smaller rivers to guerrilla encampments in the South.

The strategic hamlet program that worked in Malaya has not been successfully duplicated in Vietnam, where it is almost impossible to distinguish a peasant who is "reliable" from an infiltrator who is not. With the downgrading of the hamlet formula for securing the safety of the countryside, the man most identified with that program, Assistant Secretary of State for the Far East, Roger Hilsman, has seen fit to tender his resignation. Secretary McNamara is this week taking another on-the-spot look, and a new interdepartmental committee, headed by a trusted young assistant to Averell Harriman, is busily reexamining our whole policy. If the dam in Vietnam holds long enough for this committee to produce a report (and long enough for Lyndon Johnson to get elected), we will be fortunate. Meanwhile the review committee will no doubt wish to hear from anyone who can demonstrate how South Vietnam – in view of its geography – can be sealed off from infection and then made healthy. No raids North, no air or naval blockade will accomplish that.

There is another choice, though it likewise seems politically infeasible now – some kind of internationally-guaranteed neutralization of South Vietnam, along with Cambodia and Laos. How tolerable any such arrangement would be to Hanoi or Peking, and under what conditions, has yet to be explored. It offers at least a glimmer of hope that the US could disengage without defeat, and that the Vietnamese who have been at war for nearly two decades could engage in more satisfying tasks. It is not a satisfactory solution and may prove a bad one. It would not assure stability in South Asia for all time, or assure that these neutral states will never become satellites of Communist China.

But neither is it inevitable that they will. Nothing stands still, in either the non-Communist or the Communist world. India moves toward the West and Pakistan, the firm ally in SEATO, flirts with Peking. Albania, a Communist country, seizes the Soviet Embassy and the Rumanians, less roughly but no less insistently, express their differences with Moscow with equal impunity. There is nothing to prevent Peking swallowing Macao or even Hong Kong, but these territories remain unswallowed. In any case, it is for those who are repelled by the thought of attempting the hazards and hardships of neutralization to indicate what course is open that is in fact less risky, and holds out the prospect of fewer penalties.

Presidential Succession

The Constitution empowers Congress to decide who shall "act as President" in the case of "Removal, Death or Inability, both of the President and Vice President . . . " What has been proposed in these columns is that Congress decide by statute that it will elect a person to fill the office of Vice President whenever that office has become vacant because a Vice President has succeeded to the Presidency or has died or resigned. The man Congress would in this fashion put in as Vice President could become President only in the event that the new President (being a former Vice President) also died in office, or in the event that the regularly-elected President died, the regularly-elected Vice President having predeceased him. But that is precisely the contingency in which Congress is now constitutionally

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empowered to act. A more express grant of power by the Constitution to act in more explicitly described circumstances is hard to imagine.

Why, therefore, is it assumed by Senators who take an interest in this problem (Humphrey, Church, Bayh) or by *The New York Times* (editorially on February 23) that a constitutional amendment is necessary if we are to do what needs to be done?

If Congress has power to designate an officer who shall assume the Presidency in such circumstances, there can surely be no constitutional difficulty about Congress choosing to call the officer it has designated by the name of Vice President. Moreover, no one argues that Congress may not by simple statute designate the Speaker of the House (as under present law) or the Secretary of State (as under the pre-1947 law) to succeed when a President dies in office and there is no Vice President. Why then may Congress – in concert with the President – not designate some other person, whom it elects, and whom it is pleased to call Vice President for the time being?

Cancer Contribution

Two days before the Public Health Service issued its report linking smoking and cancer, Dr. Edward R. Annis, president of the American Medical Association, was lecturing in Kentucky, a tobacco-producing state that was flinching in anticipation of the report. Dr. Annis cheered people up. He told the state legislature in Frankfort that a link between smoking and cancer was old stuff that would not alter the habits of smokers. A massive program of basic research was still required, to identify the causes of cancer and perhaps indicate some means of cure or prevention. The AMA had initiated just such a study. "The AMA is not opposed to smoking and tobacco," Dr. Annis explained. "It is opposed to disease."

To members of the Frankfort Rotary Club he outlined possible approaches that might lead to a safer cigarette. According to the Frankfort *State Journal*, the Rotarians were "highly impressed, if not awestruck."

Apparently the tobacco industry as a whole was equally impressed, for six large cigarette companies have donated $10 million to the AMA to help finance its cancer study. This may pose a delicate choice for Mr. John Watts, a Democratic Congressman from Nicholasville, Kentucky. He is the man who is generally thought to hold the key vote on Medicare in the House Ways and Means Committee. President Johnson would like to see Mr. Watts use his swing vote to get the legislation out of committee on to the floor of the House. The AMA regards the Medicare bill as socialized medicine, and strongly opposes it.

Tax Warning

The broad economic effects of the tax cut are described elsewhere in this issue. But the gift horse may have at least one sharp tooth of which individual taxpayers should be aware in order not to feel, next year, that they have been bitten. Wage-earners will now find more money in their pay envelopes. This is because the rate of withholding on wages and salaries has been cut from 18 to 14 percent, commencing this month. The government wants people to spend the extra money in their pay envelopes, in order to enlarge demand and so boost production. But the cut in the withholding rate exceeds this year's tax cut, because the full tax cut (estimated at 19 percent on the average for individuals) does not come into effect until next year. This year, only about two-thirds of the tax cut applies. The likely consequence for many or most individuals is that until April, 1965, they will appear to be richer than they really are, and then will suddenly find themselves rather less well off than they were led to believe.

The argument of the Treasury is that, under the 18 percent withholding rate, most people who had taxes withheld from their wages and salaries were actually withholding too much, so that what will happen to them next year is that they will get somewhat smaller refunds. But it is not denied that in 1965, in consequence of the sharp cut in the withholding rate during 10 months of this year, more people than usual will find themselves having to pay some tax in addition to what has been withheld.

It may be contended that those who find themselves in this unhappy position are either bachelors or persons in higher income and tax brackets, who were having to pay more than was withheld from them even before the reduction in the withholding rate. The fact remains that many or even most taxpayers have been hearing so much for so long about the great benefits of a tax cut that it may come as a nasty shock to them to discover, next year, that at least part of the apparent benefit that they enjoyed during the remainder of this year was illusory. Even if disillusion takes the form of smaller tax refunds than they have been getting, they are likely to feel sore; should they find themselves being billed for an extra tax payment for which they have made no provision, the consequences for them could be embarrassing and possibly disastrous.

In those circumstances, wage-earners may do well to arrange with their employers for more than the 14 percent withholding, by claiming fewer exemptions than they are entitled to. The government might have issued some advice to this effect. Perhaps it feared that to do so would take away from the euphoria of the tax cut. Wage-earners are also voters, and November, 1964, comes before April, 1965.

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JOHNSON

The First Hundred Days

by Philip Potter

The late President John F. Kennedy preached vigor and movement. Both come naturally to President Johnson, whose first 100 days have been a wearing experience for his staff and for the White House press. The strain has told on him, too. He has shown some irritability in his press relations and in his reactions to political criticism from Republicans, especially about the Bobby Baker case. But on the whole it can be said, as it was by one of the women whose hands he grasped over an airport fence as he greeted voters: "The Presidency sure agrees with you, Mr. President." Domestically, it is hard to fault his performance. In the international field, if he has not shown similar mastery, one is reminded of ex-Chancellor Konrad Adenauer's observation – "who can?"

Mr. Johnson came into office in distressing circumstances, the assassination of a President of great personal popularity who had made an impact on his own people and the world, perhaps a more favorable one abroad than at home. The country was in a temporary state of shock, the world perplexed and confused by our change in leadership. Mr. Johnson had earned a reputation as a legislative leader, as a regional politician, as an unusually active Vice President, but one who was always in the shadow of the President. The industrial North and East knew him in a shadowy way, many conceiving of him as a "Southerner," or more simply as a "Texan," neither being a designation of the most comforting kind to large segments of the population.

The new President's task was to unify and reassure the nation and our allies, establish a feeling of continuity, help assuage our grief and get things going again. He did so with tact, consummate energy and good sense, displaying among other things a little known humility which helped Kennedy lieutenants to adjust themselves to a new man in the White House. With only 11 months before the next national election, he had time neither to assemble a new staff nor to frame his own program, although he faced the necessity of stamping his own personality and image on the government. The fact that he had recently lost his own mentor and guide, Speaker Sam Rayburn, gave him an understanding of the loss sustained by such people as Attorney General Robert F. Kennedy, and others whom John Kennedy had brought into the Cabinet and the White House staff.

"I need you more than he did," these men were told. And: "You don't want Nixon in here, do you?"

Almost all are still on duty, and the few who have left, including Sorensen, stayed until the transition was accomplished and the government was functioning normally again.

Mr. Johnson's personality – he can be excessively the homespun "Texan" – has grated on some of the holdovers at times, but most feel he performed superbly in a time of crisis. He delivered faultlessly – to the amazement of observers nourished on the myth that he was all "cornball," but not to those who knew him well – a message to a joint session of Congress that combined a moving eulogy to a dead President with a stirring summons to all Americans to continue with our work. He told the world – and he meant it – that our foreign commitments would be met, and that he, like his predecessor, would work for peace with honor.

He has not developed answers for all foreign problems. But he has scarcely had time to do so. In any event, as he puts it, he has not yet got the elective franchise that may be needed for statesmanlike innovations in foreign policy. If, in either the domestic or international fields, he has offered no new ideas, he has coined some effective domestic slogans to gild old programs and describe the course he intends to pursue until he becomes an elected President. He has summarized his program for the nation as "strength, solvency and compassion," and emphasized the latter by declaring a "war on poverty." By extension, he also so characterizes the Alliance for Progress, and in earnest of his determination to make this Latin American development program work he has put a new man in

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charge and given him wide authority.

He showed at once that his 32 years in politics had given him a grasp of the processes of our government and that he could be a vigorous administrator, although, perhaps, given to overly-intensified personal management that engrosses him in too many details. He expects all lieutenants to be all-round men, as handy at turning a phrase for a speech as at wheedling a vote out of a reluctant legislator, and he has created some confusion among a staff that is used to working through channels.

But the President gets things done, if at terrific cost in time and energy. He quickly established himself as Commander-in-Chief of the Armed Forces, giving Robert S. McNamara, the Secretary of Defense, a green light in the closing down of archaic military establishments, and warning generals and admirals that, as an old legislator himself, he was up to their tricks of using the legislature to thwart the White House and the Bureau of the Budget. He squelched their requests for an extra $9 billion that they wanted, but overruled the Bureau of the Budget to give them more missiles than they first had been allowed. He touched every appropriate base in the nation and said the right things everywhere – in a Thanksgiving Day message to the American people, in a United Nations Assembly speech, in private talks with world leaders here for Kennedy's funeral, in later formal meetings with free world leaders, and in big meetings with foreign service officers, Pentagon functionaries, business and labor groups, governors and mayors.

Negro civil rights leaders, brought in one by one for earnest talks, went away convinced – or so they said – that the "Southerner" in the White House was as dedicated to civil rights as was his predecessor from Massachusetts. "As a Southerner I am very happy to know that a fellow Southerner is in the White House who is concerned about civil rights," said the Rev. Martin Luther King. With political genius, Mr. Johnson headed off what might have been a deeply prejudiced inquiry into the Kennedy shooting by Senator Eastland (D, Miss.) and his Senate Judiciary Subcommittee, by setting up a Presidential commission and getting Chief Justice Earl Warren to head it. By some legerdemain he got that most respectable Southern Senator, Richard Russell of Georgia, to serve on the Commission with a man he does not particularly like.

Burning much midnight oil, the President carefully went over a federal budget that was ready for the printers before he succeeded to the Presidency, and, by the sternest admonitions to department and agency heads to pare personnel totals and make other savings, he came up with a spending total for fiscal 1965 which is $2 billion below the most sanguine conservative hopes. The aim, as Mr. Johnson put it, was to take from the "haves" among federal departments – the Pentagon being a typical example – and give to the "have nots," meaning the departments which will have responsibility for the anti-poverty program.

The tight budget helped him to break the legislative logjam in Congress, inducing Senator Byrd (D, Va.), powerful chairman of the Senate Finance Committee, to loosen his grip on an $11.5 billion tax-cut measure which is now in effect.

He successfully fought off what he regarded as a Republican attempt to usurp his authority over foreign policy by attaching an anti-wheat sale rider to the foreign-aid bill. He even got the diehard Southerner in charge of the House Rules Committee, Representative Smith (D, Va), to release the civil rights bill for adoption by the House. Now in the Senate, whose Southerners are primed for a filibuster, this bill remains Mr. Johnson's thorniest domestic problem, but he has promised to throw his "whole stack of chips" into the fight.

Exhortatory telephone calls from the White House already are flooding the Capitol, and Senator Hubert Humphrey (D, Minn.), picked by the President as floor manager, is confident he and the President can pull it off at whatever cost.

Alluding to the fact that Mr. Johnson has a medical history clouded by a 1955 heart attack, Senator Humphrey humorously complains of the frenetic pace Mr. Johnson has thrust upon Congress. "I wish we could get a President who really is sick, instead of one so healthy he is going to kill everyone else," Humphrey said. "I have never worked so hard in my life." Some of the White House staff are equally alarmed over the pellmell activity which has characterized Mr. Johnson's first 100 days. It is not his health they worry about, but their own.

Phones at Dinner

Politics and the practice of the government arts are the breath of life to Mr. Johnson, although some find the atmosphere cloying. The President even takes his work to the dinner table. If the phone lets up a minute while he nibbles at a diet designed to keep his weight at around 200 pounds, he picks it up to make a call of his own. If there is no business, he uses the telephone for social purposes, for instance, a call to the wife of a man he has detained and invited to share his meal, to assure her that her husband is only a "temporary" Johnson captive.

Women reporters on the White House beat also have to be vigorous these days. He has grabbed them all for dancing partners at the numerous receptions they have had to cover for their newspapers. He so seldom misses a dance at these affairs that, one woman confides, he gets wringing wet from perspiration. A "can

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do" man in all respects, he will not even let a servant open the windows. He does it himself – just as, after handing out glass ashtrays to reporters who visited him at his LBJ ranch near Austin on Christmas Day, he stooped to pick up the discarded tissue wrapping, brushing aside the help whose chore he had assumed.

The new President is a perplexing man, who has a bewildering variety of characteristics. Privacy has little place in his life. He epitomizes "togetherness" in work or in play, almost always with people at his side or with a telephone in his hand. The electric bill at the White House has gone down because of his orders to turn out lights when they are not in use. The telephone bill is surely up. So is the bill for photography. Few visitors get away without being posed with the President. They duly get an autographed copy.

He has the true Texan's penchant for flamboyance and overstatement.

He is moody. He was on Cloud Nine, for instance, when the stock market, losing $11 billion in market values on the day of Kennedy's assassination, bounced back the following Tuesday, as the market opened again, and registered a $15 billion gain in values. But criticism in the press of his handling of the Panama, Guantanamo, Cyprus and other foreign problems finds him depressed and sensitive, and overly worried about press reaction to his rule.

Impatient and sometimes dictatorial, he can also be patient, gentle and humble with underlings and associates, although the patience clearly calls for a firm exercise of will. He waited patiently, for example, for Attorney General Robert Kennedy to get over the shock and bitter grief of his brother's death, then drew him fully back into the Presidential circle, giving him an important mission to perform in Southeast Asia, and his old place back in the inner Cabinet circle.

While waiting for Robert Kennedy to manifest a desire to remain in the government and participate in the forthcoming Presidential campaign, the President kept open another channel to the Kennedy family's political strength by thrusting new responsibilities on a willing R. Sargent Shriver.

Mr. Johnson's political strategy is broad and sweeping. In the State of the Union message, he preempted both the Center and the Left, his tight budget confounding Republicans prepared to attack him as a "spender" and winning for him a remarkable degree of support from business, while the promised "war on poverty" was music to liberals' ears and sparked an enthusiastic response from such labor leaders as Alex Rose, president of the Hatters Union and vice chairman and spokesman for the Liberal Party of New York State. Like most Americans, the President has an ambivalent respect for both prudence and progress. He is a skilled political tactician, too, having learned all the arts of persuasion in a lifetime in politics – cajolery, flattery, the perceptive use of carrot-and-stick, the use of patronage and all the rest. He may not have read Plato's *Republic* or Gibbons' *Decline and Fall of the Roman Empire*, but he has read and filed away in a retentive mind the facts and wisdom to be found in the *Congressional Directory* and the nation's leading newspapers and on its television news broadcasts. He seldom misses one of the latter, using an alarm on his wrist watch to remind him of the times.

He knows that the world is in another of its transitory phases; that the fear of war has lessened in the months since the signing of the nuclear test ban treaty, and that nations which once clustered together and accepted our aid and shelter are now in a mood to assert their independence and pursue narrow nationalist ends. He has to find his course among conflicting national interests which threaten free world unity, while trying to keep the thaw in the cold war going. It is not going to be easy, and he knows it.

The national polls now show him with a commanding lead over all potential Republican challengers, with strength surpassing his predecessor's in the South and West and almost if not quite as much in the industrial North and East. But disaster in Vietnam or new Communist successes in Latin America can chip away at the President's credit with the electorate, and none knows it better than the President.

It is no wonder that he is sensitive to press criticism. All politicians are. Kennedy said after he was three months in the White House, in response to a news conference question, "Well, I'm reading more and enjoying it less." Mr. Johnson, according to a White House source, has turned this around, saying: "I'm reading less and enjoying it more," adding that he had stopped reading his friends' writings "so I don't get sensitive about what they say."

Such words of both Presidents are said in jest, but they have some import. In any case, Mr. Johnson does not have the time he once had to read the press. He is busy far into the night, aides say, reading some of the books he had missed along the way, and poring over briefings on Cyprus, Africa, Vietnam, etc., from the State Department, the Pentagon and the Central Intelligence Agency.

At times he seems exhausted by the strain of the Presidency, but, if so, he snaps back quickly. He claims that a two-minute nap in a little room where he has hung the autographed photos of Franklin Delano Roosevelt, Herbert Hoover, Dwight D. Eisenhower and Harry S. Truman – all men he has known and some of whom he has served – refreshes him and puts him back on his feet. He also is enjoying the White House pool, to which almost anyone of the male sex is likely to be invited for a noontime dip – in the nude.

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Cassius Clay

"I Whipped Him and I'm Still Pretty"

Miami

Just before the bell for the seventh round, Cassius Clay got up to go about his job. Suddenly, he thrust his arms straight up in the air in the signal with which boxers are accustomed to treat victory and you laughed at his arrogance. No man could have seen Clay that morning at the weigh-in and believed that he could stay on his feet three minutes that night. He had come in pounding the cane Malcolm X had given for spiritual support, chanting "I am the greatest, I am the champ, he is a chump." Ray Robinson, that picture of grace who is Clay's ideal as a fighter, pushed him against the wall and tried to calm him and this hysterical child turned and shouted at him, "I am a great *performer*, I am a great *performer*."

Suddenly almost everyone in the room hated Cassius Clay. Sonny Liston just looked at him. Liston used to be a hoodlum; now he was our cop; he was the big Negro we pay to keep the fresh Negroes in line and he was just waiting until his boss told him it was time to throw this kid out.

British journalists who were present remembered with comfort how helpful beaters like Liston had been to Sanders of the River; Northern Italian journalists were comforted to see on Liston's face the look that *mafiosi* use to control peasants in Sicily; promoters and fight managers saw in Clay one of their animals utterly out of control and were glad to know that soon he would be not just back in line but out of the business. There were two Catholic priests in attendance whose vocation it is to teach Sonny Liston the values of organized Christianity, and one said to the other: "Do you see Sonny's face? You *know* what he's going to do to this fellow."

The great legends of boxing are of managers like Jack Hurley who had taken incompetent fighters and just by shouting their merits against all reason built them up for one big payday at which they disgraced themselves and were never heard from again. Clay had created himself the way Hurley created his paper tigers. His most conspicuous public appearance in the week before he was to fight had been a press conference with the Beatles. They were all very much alike – sweet and gay. He was an amateur Olympic champion who had fought 20 professional fights, none of them impressive; and he had clowned and blustered about how great he was until he earned his chance from a Liston who, if he could not respect him as an opponent, could recognize him as a propagandist skilled enough to fool the public. A reporter had asked Liston if he thought the 7-1 odds against Clay were too long, and he answered: "I don't know. I'm not a bookmaker. I'm a fighter." But there was no hope Clay could win; there was barely the hope that he could go like a gentleman. Even Norman Mailer settled in this case for organized society. Suppose Clay won the heavyweight championship, he asked; it would mean that every loud-mouth on a street corner could swagger and be believed. But if he lay down the first time Liston hit him, he would be a joke and a shame all his life. He carried, by every evidence unfit, the dignity of every adolescent with him. To an adult a million dollars may be worth the endurance of being clubbed by Sonny Liston; but nothing could pay an adolescent for just being picked up by the bouncer and thrown out.

On the night, Clay was late getting to the dressing room and he came to stand in back of the arena to watch his younger brother fight one of the preliminaries. He spoke no word and seemed to look, if those blank eyes could be said to look, not at the fighter but at the lights above them. One had the sudden wild notion that just before the main event, when the distinguished visitors were announced, Cassius Clay in his dinner jacket might bounce into the ring, shout one more time that he was the greatest and go down the steps and out of the arena and out of the sight of man forever. Bystanders yelled insults at him; his handlers pushed him toward his dressing room, stiff, his steps hesitant. One had thought him hysterical in the morning; now one thought him catatonic.

He came into the ring long before Liston and danced with the mechanical melancholy of a marathon dancer; it was hard to believe that he had slept in 48 hours. Liston came in; they met in the ring center with Clay looking over the head of that brooding presence; then Clay went back and put in his mouthpiece clumsily like an amateur and shadowboxed like a man before a mirror and turned around, still catatonic and the bell rang and Cassius Clay went forward to meet the toughest man alive.

He fought the first round as though without plan, running and slipping and sneaking punches, like someone killing time in a poolroom. But it was his rhythm and not Liston's; second by slow second, he was taking away the big bouncer's dignity. Once Liston had him close to the ropes – where fighters kill boxers – and Clay, very slowly, slipped sideways from a left hook and under the right and away, just grazing the ropes

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all in one motion and cut Liston in the eye. For the first time there was the suspicion that he might know something about the trade.

Clay was a little ahead when they stopped it. Liston had seemed about to fall on him once; Clay was caught in a corner early in the fifth and worked over with the kind of sullen viciousness one cannot imagine a fighter sustaining more than four or five times in one night. He seemed to be hurt and walked back, being stalked, and offering only a left hand listlessly and unimpressively extended in Liston's face. We thought that he was done and asking mercy, and then that he was tapping Liston to ask him to quiet down a moment and give the greatest a chance to speak, and then we saw that Clay's legs were as close together as they had been before the round started and that he was unhurt and Liston just wasn't coming to him. It ended there of course, although we did not know it.

"I told ye'," Cassius Clay cried to all of us who had laughed at him. "I told ye'. I just played with him. I whipped him so bad and wasn't that good. And look at me: I'm still pretty."

An hour later he came out dressed; a friend stopped him and the heavyweight champion of the world smiled and said he would be available in the morning. His eyes were wise and canny, like Ray Robinson's.

MK

Big Beef on the Range

Denver

Republicans hope they have found an election issue among the ranchers west of the Mississippi, who are up in arms because cattle prices have declined by more than a fifth since the end of 1962. Cattlemen blame this on rising foreign imports. They are incensed by a new trade agreement between the US and Australia and New Zealand, which holds down those two countries' meat sales to the US this year, but permits them to rise by 3.7 percent a year thereafter. Ranchers want stricter import quotas for what Brooks J. Keogh, president of the American National Cattlemen's Association, calls indiscriminate and ruinous imports. Senator Milward Simpson (R, Wyo.) denounced the treaty as a sell-out, said it was unconstitutional because it bypassed Congress, and announced that he would introduce counter-legislation. Don Hamil, president of the Colorado Cattle-feeders, said the agreement "puts the entire agricultural industry on the chopping block." A rancher's estimate is that the treaty knocks $2.5 billion off the capital value of the livestock industry. In fact, imported beef is too tough for American tastes. It is used mostly to make ground meat and sausage. This is a large market but it certainly is not dominated by imported beef.

If the price that the ranchers get for their beef has declined, many consumers think that the retail price of meat is still far too high. Yet the federal government and state governments generously provide ranchers with much support. They can get cheap use of state and federal grazing lands. State land rents for even less than federal land. In New Mexico, state grazing lands have been leased for a few cents per acre a year.

However, federal tax breaks have helped to lure city people into absentee livestock operations, whilst the government has been urging farmers away from sole reliance on crops and into the livestock business, in the name of conservation. The federal tax situation favors ranchers insofar as they need pay only the capital gains tax on profits from livestock sales, and if they make losses they can charge them off against the highest brackets of their income taxes. In 1955, Congress approved a $150 million program for the Great Plains, when the plains seemed about to blow away again. This now extends to 13,000 separate operations covering nearly 30 million acres; a million acres have been converted from croplands to grazing. The government directly subsidizes cooperating farmers, and there is a long waiting list.

All this has helped to boost beef production. In 1958 there were 91 million head of cattle on the ranches. Last year the figure was 104 million, and the estimate for this year is 107 million. The animals are bigger and they yield more beef and veal than before. Consumption of meat has gone up also. On the average, every American now eats more than 100 pounds of beef a year compared with an average of about 60 pounds in 1940. (The presumably meatless Appalachian whites and poor Southern and Northern city-slum Negroes are more than made up for by the swollen meat intake of the rest of us.)

But the cattlemen are largely unorganized, and they must deal with a small group of chainstore buyers who dominate the market. This situation may get a more thorough airing if Congress agrees to President Johnson's request for the setting up of a bipartisan committee to investigate the food chains.

Some say the time is fast coming when about a dozen huge organizations will dominate the meat market, all the way from the range to the meat-counter, but with few benefits for consumers or for the unorganized ranchers. But it seems unlikely that the solution of this problem lies in either supplementing the long-standing tariff of three cents a pound on imported meat by more rigid import quotas, or in the cattlemen of the range states voting Republican this year as they voted for Richard Nixon in 1960.

ROSCOE FLEMING

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FOREIGN REPORTS

ISRAEL: *Kosher or non-Kosher?*

★ Will there be kosher cuisine aboard the *Shalom*, Israel's new luxury liner? May non-Jewish tourists cross into Israel from Jordan on the Sabbath? Should Catholic monks be allowed to raise pigs on their grounds in Ein Karem, John the Baptist's birthplace, near Jerusalem? Will people whose surname is Cohen be allowed to marry divorced women? These esoteric questions are the daily bread of political life. The first has been answered: only kosher food will be served on the *Shalom*.

How could such bizarre matters be so important in Israel? The answer lies in the history of Zionism.

Since the British mandatory legislation, following Turkish custom, left all matters of personal status (*i.e.* marriage, divorce, etc.) in the hands of the religious courts, the religious minority in Israel which staffed them was in the extraordinary position of exercising control over the secular majority through these bodies. When Israel became independent in 1948, the religious parties made it a condition of their participating in the government coalition that this should continue.

Recently, the power of the religious parties seems to have become stronger. As right and left in Israeli politics are neatly balanced, these parties hold the balance, and it would be difficult to maintain any government without their participation. Immigration from oriental countries, where secularism never got a chance, is making the National Religious Party electorally stronger, as is the higher birth-rate among religious families. Hence all the other parties are toning down their nationalism in deference to their supporters who hold strong religious convictions. To catch more of the religious vote, trade unions controlled by the Mapai, the leading party, have appointed a rabbi to head a Department for Religious Affairs which is competing with the religious parties in building synagogues.

SOUTHWEST AFRICA: *Another Transkei*

★ Dr. Verwoerd's South African government is fighting in earnest now to prevent the seizure of its mandated territory of Southwest Africa by the United Nations. Its 550-page Odendaal Commission report – proposing the division of the territory into 12 "ethnic" areas and the creation of five different forms of government for those areas – has been dispatched to South African embassies for propaganda use abroad.

Somehow Dr. Verwoerd must have convinced himself that the report, which almost urges annexation of Southwest Africa and the full-scale application of apartheid to the 450,000 native inhabitants, will placate international opinion instead of inflaming it further.

Southwest Africa was formerly a German colony, first entrusted to South Africa by a League of Nations mandate after World War I. But when the United Nations was formed, South Africa declined to place its mandated territory under the UN's trusteeship system. Instead, General Smuts asked for incorporation of Southwest Africa into South Africa. The policy of all South African governments since then has been to refuse to recognize the right of the UN to succeed to the powers of the old League. In 1950 this dispute was placed before the International Court of Justice at The Hague for advisory judgment. The finding of the court was that the mandate of the League continued to exist, that the UN had the same rights of jurisdiction, and South Africa could not unilaterally alter the mandate. The South African government refused to accept the judgment. So, in the autumn of 1960, Ethiopia and Liberia, two of the old members of the League, went back to the court charging that South Africa had violated the mandate, and asked the court finally to determine Southwest Africa's status.

In Southwest Africa itself among the 73,000 whites there is some lurid talk of the fighting that will take place on the beaches if the UN tries to seize the territory. No one takes this talk seriously at this stage. The legal struggle has still to be decided.

If it were an integrated nation, Southwest Africa probably could advance the material and moral well-being of all its people. But the Odendaal Commission proposes its partition into 11 homelands for the non-white inhabitants, and a separate area for the 73,000 whites. The whites would control about 60 percent of the territory and most of its current wealth (diamonds, base metals, cattle and karakul farming).

BRITAIN: *Pressure from Washington*

★ It now seems likely that by the end of the year Britain will have a Labour government that will be under pressure from Washington to join the multilateral nuclear force (MLF), the fleet of converted cargo ships with nuclear missiles and international crews, which so far exists only on paper but is supposed to be going to give the Europeans a military voice in the atomic age. (Its more important aim is to prevent the West Germans trying to get nuclear weapons of their own, in imitation of the French.)

The MLF isn't much of an answer to the Europeans' alleged desire for an atomic voice, since they would have to agree among themselves before a single ship fired a single shot, and the US which supplied the war-

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heads would still have a veto on their use. Nevertheless, the proposed force poses an additional problem for Britain and the others. In 12 years, Britain has seen $700 million go down the drain for planes and missiles that were cancelled before they were completed. One anti-aircraft missile that is now in service has cost 40 times the estimate. The cost of new weapons is rising.

What all this seems to mean is that only Russia and America can afford the full spectrum of military power, other countries must choose a limited role and stick to it. But this requires making guesses about the shape of crises to come and maybe paying an appalling price for guessing wrong. The MLF doesn't help in the guessing game, it adds to the cost and to the confusion. Is Britain to be in the MLF, to have her own national nuclear force of British submarines equipped with Polaris missiles that the US has already agreed to supply, and also to be the West's policeman in Africa and in Asia even if this means taking British troops out of Europe? Is Germany to be in the MLF and also to supply most of the manpower for the ground defense of Europe? France blithely ignores the MLF and leaves the ground defense of Europe to the others, to concentrate on her own force of bombers that will carry French atomic bombs to targets decided by General de Gaulle. The US fumes at this – but supplies the French air force with Boeing KC-135 tanker aircraft that de Gaulle needs if his bombers are to have any chance at all of reaching their targets.

The Kennedy Round

De Gaulle Curbs US Trade Talks with Europe

"Beware of Americans bearing gifts." – Ascribed to GENERAL DE GAULLE

Last Christmas Eve the news of the "package deal" concluded by the six countries of the European Economic Community at Brussels the previous day took sixth place in the NBC's Huntley-Brinkley report, immediately after an account of the snow blizzard in Memphis, Tennessee. Yet it was, in effect, the first stage of the Kennedy Round of tariff negotiations expected to begin this May. And although the participants at the marathon bargaining session claimed that there were neither victors nor vanquished as they emerged from the council chamber just before daybreak, their failure to see whose victory it was can be ascribed to their sense of deliverance. For hindsight suggests that General de Gaulle won at Brussels another victory in his policy of containing US influence in Europe.

If the package obtained as a result of those tortuous negotiations is not untied when the Six meet again in March, the approach of the Common Market to the Kennedy Round on tariffs and trade in May will afford much narrower scope for bargaining than was previously hoped. Tariff cuts of 30-35 percent are much more likely than the 50 percent reductions originally envisaged. The Kennedy Round may last longer than the previous Dillon Round, which took 425 days.

The package deal contains agreement on rice, beef and dairy regulations, and on the EEC's negotiating position in the Kennedy Round. The EEC will have a Common Agricultural Policy (CAP) for dairy produce and beef as from April 1 this year; for rice, from July 1; and for fats and oils from November 1. The Ministers of Agriculture still have to settle a number of points, so that the package deal still might come unstuck. But if not it seems clear that the CAP will involve the variable levy system that the US objects to. The levy system is more daunting to a would-be supplier than a tariff because the lower the price at which he offers his produce the higher, generally speaking, goes the levy. The central test for the Kennedy Round, a European grain price, was postponed. Otherwise, the package deal was a win for General de Gaulle. By his threat of an ultimatum he overcame the German and Dutch objections to the farm "compromises." Insistence on strict adherence to the December 23 deadline was an indispensable element in the French victory. Argument about a tax on margarine was raised to fever pitch so that it seemed to jeopardize the very existence of the Common Market. When a margarine tax of 14 pfennings a kilo was agreed to, Belgian Foreign Minister Spaak cried "Europe has triumphed over margarine!" It was really de Gaulle who triumphed over Europe.

A difficulty that dominates preparations for the Kennedy Round is the problem of framing special rules for those positions where the thin jagged peaks of some United States tariffs stick up above the sturdy but comparatively low external wall of the Common Market. France complains that one in five of United States tariffs claps a duty of over 30 percent on goods, whereas one percent of the Common External Tariff (CET) of the Six is built as high as that. The French argued that to cut a United States tariff of 80 percent in half, to 40 percent, would leave the US well protected, but that to halve a 10 percent CET position would disarm the Community. The Common Market's permanent secretariat, the EEC Commission, considered that lop-

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ping off the high peaks of the United States tariff as proposed by France was unworkable and favored instead a formula for obtaining proportionately smaller reductions of low tariffs. The Germans, Italians and Dutch argued that there was no need to cut high tariffs by more than low tariffs if the high-tariff country accepted "substantial imports." This proposal in effect conceded the validity of the American argument that the restrictiveness of tariffs should be judged not by their absolute level but rather by their effect on trade. Large imports passing over a high tariff may indicate that the tariff is not a barrier. The French negotiators were unwilling to accept this and succeeded in having it abandoned in favor of bilateral negotiations with the countries affected. This could mean that the EEC would use the high US tariffs on some goods as an excuse for offering only modest modifications of the EEC tariffs on such goods. In that case the loser would not be the US, but third countries which are often the chief suppliers of those goods to the EEC countries. This could cause a chain reaction that might seriously damage the prospects of the Kennedy Round from the start.

At Brussels last May, the Council of Ministers of the Six agreed to the timetable proposed by France that committed them to settling their common agricultural policy by December 31, 1963. De Gaulle's aim was to ensure the internal cohesion of the Common Market in advance of the Kennedy Round. For President Kennedy had made plain that the tariff negotiations were part of his grand design for a Europe in a close partnership with the United States, and the Germans and Belgians roused de Gaulle's suspicions by opposing progress toward a common farming policy for Europe lest this prejudice the tariff talks with the United States.

The German and Benelux (Belgium, Holland, Luxembourg) negotiators sought assurances that their major outside suppliers of farm products – the United States, Denmark and the Communist countries – would not be excluded from the EEC market. Otherwise their prospects for expanding exports to some of those areas through advantageous mutual concessions during the Kennedy Round would be damaged. It was precisely in the sphere of agricultural policy that France was most impatient for progress. The dismantling of industrial tariffs in trade among the Six had chiefly benefited Germany, by far the largest industrial exporter in the area. France therefore was anxious to obtain easy access to the German market (the largest importer of foodstuffs among the Six) for her own substantial agricultural surpluses. The French maintained the objections to guaranteed markets for third countries that they had raised in connection with Commonwealth trade, during the earlier abortive negotiations with Britain; the French Minister of Agriculture observed, "If the outside countries are guaranteed markets in the Community, it

ABC of Trade Talks

Balance of Trade – The surplus or deficit from exports and imports of merchandise. The United States has a favorable trade balance with the EEC of $2 billion.

CAP – Abbreviation for the EEC's Common Agricultual Policy to establish a community-wide system of supports and import controls. Commodities covered are grains, fruits and vegetables, eggs, pork, poultry, wine, rice, beef and veal, milk, vegetable fats and sugar.

Common External Tariff – The common tariff system that will surround the EEC countries when the Common Market Treaty is fully applied, between 1967 and 1970. Known as CET, Common Market countries have adjusted their tariffs 60 percent toward the common tariff level so far.

Dillon Round – Tariff negotiations under GATT begun in 1959, named after C. Douglas Dillon, then United States Undersecretary of State. The Dillon Round resulted in a 20 percent reduction in the EEC tariffs on most items under negotiation.

Disparities – Differences, having significant effects on trade, in the tariff rates of two countries on the same product. A straight linear cut cannot be applied in such cases because a disparity would remain.

EEC – European Economic Community: France, West Germany, Italy, Belgium, Holland, Luxembourg.

GATT – General Agreement on Tariffs and Trade. An international accord signed in 1948 to foster growth of world trade. Agreement consists of tariff rates reached by negotiations, such as the Kennedy Round, and general rules for fair conduct of international trade. Its 58 members account for more than 80 percent of non-Communist world trade.

International Commodity Agreement – An international undertaking to regulate the price, production or trade of a particular commodity. Current wheat, coffee and sugar agreements regulate volume of trade. The EEC Commission has proposed worldwide agreements on grains, butter, sugar and oils.

Kennedy Round – The informal designation of the trade negotiations to take place in the GATT framework beginning in May, made possible by passage of the late President Kennedy's 1962 Trade Expansion Act.

Linear Tariff Cut – An across-the-board reduction of all tariffs by a pre-determined percentage. The Trade Expansion Act allows the United States to make a linear cut of up to 50 percent on virtually all items.

Trade Expansion Act – A 1962 US law providing for up to 50 percent reduction in United States tariffs in return for similar concessions from other countries.

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is in France's interest to become a third country." The French also wished to fix internal prices for Common Market trade in farm products that would prevent the Community being exposed to intolerable pressures during the Kennedy Round to set those prices too low to suit French farmers.

On farm products the French agreed to postpone discussion of the first Mansholt plan on cereals prices until March, 1964. This plan would ask the contracting parties of GATT to acknowledge at an early stage of the Kennedy Round that every government subsidizes farming, and that international commodity agreements should be negotiated to control world surpluses and keep prices from going below costs of production: a scheme that might assure higher incomes to primary-producing countries. Italy and France approved the Commission's recommendations, but Germany and the Benelux countries were distinctly less keen about them.

Before the GATT bargaining begins, Geneva will be host to the United Nations Conference on Trade and Development, which will be the underdeveloped countries' forum for criticizing the trade and tariff policies of the industrialized world. One of their most insistent claims is for expanding markets for their exports of primary produce, including temperate-zone foodstuffs. Last December Khrushchev and de Gaulle both launched agricultural policies intended to turn the Soviet Union and Western Europe into major areas of surplus farm production. Thus while the advanced industrial countries prepare to bargain hard among themselves over trade, the less-developed countries are getting ready to add to the clamor and confusion of the world market place.

BRUCE SINCLAIR

Tax Cut Harvest

What We Can Expect from the New Bill

by James Tobin

The tax cut represents our first deliberate major use of the federal budget for stimulation of the economy. It is thus an historic event. At a time when the budget is already in substantial deficit, the President and the Congress are cutting taxes $11.5 billion a year.

Liberals should give credit where it is due. Ever since Keynes, they have argued that the budget should be manipulated to balance the economy at full employment – against the orthodox view that the economy should be sacrificed to balance the budget every year. The Employment Act of 1946 seemed to declare a national consensus that federal fiscal and monetary powers should be employed to stabilize the economy and prevent unemployment. But this consensus, always fragile, eroded during the 1950's when orthodox financial sermons were repeatedly preached from the Presidential pulpit. Budget deficits we had nonetheless, but they were for the most part the unplanned consequence of economic weakness. Now at long last a planned deficit is accepted to gain economic strength.

Satisfaction with this victory should not, I think, be appreciably dimmed by the evident fact that tax reduction has been supported for a mixture of motives and justified by a variety of arguments. There is not a Keynesian majority in Congress, and conscious deficit finance is still not respectable. But actions speak louder than words. The country and the Congress accepted the view of Presidents Kennedy and Johnson that the economic pump needed priming, and that a tax cut was the way to prime it.

The tax cut has been purchased, it is true, by some reduction in the federal budget. By holding administrative budget expenditures for fiscal year 1965 within the 1964 figure, President Johnson secured early passage of a bill which might otherwise have been passed, if at all, only after economically dangerous delay. We can only applaud his political acumen while regretting the misguided but powerful ideology which made his bargain necessary. How large and how permanent a reduction of federal expenditure has been made because of the tax cut is a different historical conjecture. So far budgetary frugality appears to be wiping out less than a third of the fiscal stimulus of the full tax reduction.

The main savings are in defense, which had been

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built up substantially under President Kennedy to remedy strategic weaknesses and to deal with crises in Berlin, Vietnam and Cuba. We cannot really complain if now Secretary McNamara's efficiency experts and a cold war *détente* combine to stabilize or reduce defense expenditures. President Johnson is right to scorn both a nuclear WPA and obsolete bases.

The President's declared war on poverty begins modestly, with only $500 million in the new budget. But a serious, well-organized campaign will need much more, and will in time learn how to spend it fruitfully. In recent sessions of Congress, spending to meet America's social needs has not been popular; the "war on poverty" may turn out, however, to be the banner under which is mobilized political support for causes that have been short-changed. If so, the longer-run prospects for federal expenditures, both in size and in direction, are not disheartening. Moreover, one effect of federal tax reduction is to increase the politically feasible tax base of states and localities, which can be counted on to spend new tax receipts for education and other urgent social needs.

The main purpose of the tax cut is to reduce unemployment. The difference between an unemployment rate of 5.5 percent of the labor force and a rate of four percent corresponds to a deficiency of about $30 billion a year or five percent in total national spending, public and private, for goods and services. To produce $30 billion extra in goods and services, American business would have to give jobs to about 30 percent of the manpower now unemployed, and put to work a corresponding amount of idle industrial plant capacity.

The gap in demand and production has remained about the same over the past two years. Yet total national spending has been increasing five percent per year. The economy has to run forward at that pace just to stay in the same place. A five percent annual increase in the Gross National Product suffices only to absorb the normal increases in the labor force, in labor productivity and in prices. It leaves the unemployment rate undiminished. To eliminate the $30 billion gap, spending needs to increase by seven or eight percent for a couple of years.

How can a tax reduction of $11.5 billion a year add $30 billion to total demand? The key point is that we need to find only half of the required $30 billion; if we can do that, the other half will take care of itself. In the normal course of events, an increase of $30 billion in production and income would by itself generate about $15 billion in additional consumer spending – the other $15 billion going into personal and corporate tax payments and savings. Observe, for example, that the $100 billion increase in GNP from the first quarter of 1961 to the last quarter of 1964 led to a $50 billion increase in consumer spending – a result just of the growth of personal incomes, without any help from tax cuts or other measures to stimulate consumption.

The $11.5 billion tax reduction, when it is fully in effect, can be expected to increase consumer spending by $9 billion; this estimate takes account of the allocation of the benefits between corporations and individuals and among individual taxpayers in various brackets. To make up the full $30 billion, then, requires $6 billion more in non-consumer spending. To provide this, government and business spending together must not only keep pace with the normal growth of the economy but increase further by about one percent of GNP.

Increase in Business Spending

The major reliance must be on business expenditures for new plant and equipment. To restore full employment they must grow from 8.5 percent of full employment GNP, as they have been running recently, to 9.5 percent. Indeed, they must rise a bit more than that, perhaps to 10 percent, in order to make up for the prospective slowdown in the growth of federal expenditures. There is a reasonable chance that this will happen, though not all in one year. Business fixed investment has been weak in recent years that have been characterized by excess capacity and economic slack, but it typically exceeded 10 percent of GNP in earlier periods of prosperity, both postwar and prewar. Business investment plans for 1964 are cautious, but there is evidence that they are already being revised upward. The year 1964 may well set the stage for a spurt in investment in 1965. The profit and liquidity positions of business are already favorable, and they are reinforced by the tax incentives for investment introduced by the Kennedy and Johnson Administrations. With consumer spending boosted by the tax cut, demand may rise enough in 1964 to cut down excess capacity. This will add the strategic investment incentive that has so far been missing throughout much of American industry, the need to build new capacity to meet expanding demand.

For this prospect we have to thank the wisdom of the Administration and Congress in deciding to cut the withholding rate four points right away, instead of three points now and one in 1965 as originally planned. For 1964 this revision in plans more than compensates for President Johnson's frugality. The timing has been criticized by some who fear it overstimulates the economy in 1964 and by others who fear the absence of sufficient new stimulus in 1965. But the timing appears

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to be excellent economic strategy. This year, while business investment is still cautious, the economy needs all the stimulus to consumer spending which the tax cut can provide. Next year, with the pump well primed, business investment should keep the economy moving ahead.

One cloud on this horizon is monetary policy. Some monetary officials are inclined to view the tax cut not as a measure to expand demand faster but as a reason to tighten credit further. Worried more about inflation than unemployment, they are constitutionally disposed to jitters about economic booms. Moreover, their European fraternity brothers keep telling them that a country with a balance-of-payments deficit, like the US, should have higher interest rates. As the President and Congress release the fiscal brakes on the economy, they may feel freer to step on the monetary brakes. The Administration will have to be alert to prevent the tax cut from being wasted in higher interest rates.

Taxes and the Impoverished

Like most major legislative proposals, the tax cut has probably been overadvertised. To repeat, its essential purpose is to reduce unemployment, to eliminate the waste of manpower and productive capacity that has plagued our economy for the past six years. That is enough to justify it, and enough to expect of it. Tax reduction will not by itself solve all our other economic problems. Let us consider its relationship to three of these problems: the balance-of-payments deficit, the long-run rate of economic growth and poverty.

On the balance of payments, the tax cut has no direct impact, and it is hard to predict its indirect effects. On the one hand, a more prosperous domestic economy will import more. On the other hand, profitable operation at full capacity may keep wayward investment funds at home. Another possibility is the one mentioned above, that the Federal Reserve will respond to the tax cut by raising interest rates in order to attract internationally mobile liquid funds. If so, the tax cut can be said to be good for the balance of payments only at the expense of some of its benefits for the domestic economy and domestic investment.

The tax cut has been billed as a measure to promote economic growth. And, true enough, as its stimulus helps the economy recover lost ground, GNP and other statistics will show higher year-to-year "growth" rates for a time. For the central purpose of the measure is precisely to restore full capacity operation of the economy. But a more meaningful measure of "growth" is the rate at which the economy's capacity itself grows. This, over the long pull, is the trend that determines how fast standards of living rise.

The tax cut is good for long-run growth only in the general sense that prosperity is good for investment. And, as observed above, the main kind of spending that the tax cut stimulates is consumption. Growth would have been better served if the same increase in spending could have taken the form of public or private investments. But a large increase in public investment was not possible politically, and a large enough increase in private investment may not have been feasible economically. It surely would have required an aggressive and persistent easy money policy – probably unthinkable to our monetary leaders in the best of circumstances and certainly out of the question when their primary aim was to defend the gold stock.

As for poverty, a dose of demand stimulant is necessary but by no means sufficient medicine. So long as there is a general shortage of jobs, the war on poverty will be an uphill battle. Those who suffer most from high national unemployment – Negroes, teenagers, workers lacking skills, experience, literacy or education, workers in depressed areas – have the most to gain from full employment. Sustained general prosperity will not by itself solve their difficult problems, but it will make them much less intractable. Specific programs of education, training and retraining, area redevelopment, equal opportunity and urban rehabilitation are certainly essential. But they are doomed to considerable frustration so long as national spending is inadequate and jobs are scarce; there is little point in shifting poverty and unemployment from group to group or region to region. If the campaign is to be a *national* success, it needs desperately a favorable *national* economic climate.

It should be said that the cut comes too late, in the sense that the economy would be in better shape today if taxes had been reduced two or three or even six years ago. In January, 1961, the Samuelson committee, one of President-elect Kennedy's pre-inauguration task forces, suggested that serious consideration be given to a temporary tax cut to help bring the economy out of recession. This suggestion was not implemented, partly because the recovery that began promptly after the inauguration proceeded vigorously throughout 1961, partly because the balanced budget fetish was still very powerful.

(In January, 1962, President Kennedy proposed, as anti-recession insurance, new procedures for making quick, temporary, pre-fabricated cuts in tax rates. The proposal caused scarcely a ripple in Congress, but it deserves to be revived. If Congress needs 15 months to enact a tax bill, tax adjustments are not very useful weapons against cyclical recessions or inflations.)

By the summer of 1962, it was clear that the recovery was faltering. The idea of a tax cut, perhaps temporary, perhaps permanent, was revived. President Kennedy announced in mid-August that he had decided against

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it, but at the same time he committed the Administration to offer a major proposal for permanent tax reduction and reform in January, 1963. The idea of a 1962 tax cut had not evoked much enthusiasm in public or Congressional opinion. Indeed, the business and financial community rather mysteriously backed away from the favorable stand taken earlier in the summer by the Chamber of Commerce. Moreover, the Treasury had its heart set on tax reform and believed that the interested parties would swallow the bitter pills of reforms only with a thick sugar-coating of tax reduction. In retrospect, it is clear that this strategy failed. The Congress removed the bitter pills of reform from the candy anyway. The tax cut should have taken the form of a quick, simple, neutral, uniform, across-the-board reduction in rates, leaving revision of the tax structure for later and longer deliberation. The attempt to obtain reform served only to delay the Administration's proposal and its enactment by Congress.

Broadly considered, two kinds of reform were at stake. One was to enlarge the base of the personal income tax, eliminating or limiting special deductions from taxable income and substituting lower rates. The other was to plug some of the many loopholes through which high-income taxpayers escape the high rates to which they are nominally subject, in return moderating the progressiveness of the rate structure. For the most part Congress provided lower and less progressive rates without broadening the tax base or eliminating loopholes. Thus the whole episode cost the cause of tax reform a good deal of its bargaining power.

The bill has just been passed, though it is good economics and is a victory for rational fiscal policy, it is not the last word on federal taxes. Real reform still lies ahead. And economic circumstances in the future may require either higher or still lower rates than those now enacted. The history of this legislation indicates that we in the United States still have much to learn in making taxation a flexible and responsive instrument of economic stabilization.

Jack Ruby on Trial

"Leave Me a Little Dignity"

by Murray Kempton

Dallas

Most of the first week of Jack Ruby's trial for the killing of Lee Oswald was a melancholy and sometimes vulgar wrestling match among lawyers for minor legal advantage and major public notice. Chief Defense Counsel Melvin Belli was more conspicuous than District Attorney Henry Wade; Judge Joe B. Brown was less conspicuous than he had plainly hoped to be.

Dallas is a sort of Humble Oil Company road map of Camus' existentialist hell; only here we can see set down block by block the details of its landmarks: here the hero, John F. Kennedy, is dead in the center of his parade; the prisoner, Lee Oswald, is dead in the center of his custodians; and now the defendant, Jack Ruby, might as well be dead in the center of his courtroom.

Ruby sits at the defense table chewing gum with desperate concentration. When he talks, it is most often to Sam Brodie of Los Angeles, one of his lawyers. "We have a sort of rapport," says Brodie, "because he knows I'm Jewish, and he trusts me to tell him what's happening. He is nothing but scared. Every new face in the courtroom makes him nervous. One day there was an FBI man sitting in the jury box and Jack began worrying me about what was going to happen to him now. I had to make up some lie and tell him the FBI man was there to help us."

Ruby takes what comfort he can clutch from the knowledge that Belli and Brodie are not merely skilled but powerful in the great world; they served once as lawyers for Mickey Cohen, the Los Angeles hoodlum. "Mickey Cohen is his hero," Brodie says. "He told me some fantasy story that Mickey gave him a big party when he went to the Coast."

The experience of being crowned the object of his client's awe solely because of a prior association with Mickey Cohen hardly comforts Brodie: Cohen beat him and Belli out of $20,000 in promised and never-paid legal fees. Mickey Cohen, of course, made his living pretending to be a potentate in the invisible govern-

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ment. Jack Ruby seems to be the sort of loser who, even when he chooses a gangster to admire, can't tell the fake from the real.

"How would you," cries Melvin Belli, waving toward without looking at the husk beside him, "like to be on trial for your life in this circus with all these cameras around?" Then there is a recess and Ruby is led off to wherever it is they store him; the television men come in and mount their cameras in the place where Jack Ruby sat a few moments before, and Mr. Belli gives a press conference. Jack Ruby wanted nothing more in life than to manage a show all of whose entertainers were successful and established; now he has that show and, instead of being its manager, he is only its unregarded excuse.

During the preliminaries, when Ruby was still being noticed, a Dallas artist sketched his portrait on commission for one of the newsmagazines: "At first he mumbled away about what a fearless fellow he was and then he began talking the way most subjects do, asking if the double-chin would show too much and wondering if I could draw him a little less bald. And then, as I was leaving, he said 'Don't make it too rough. Leave me a little dignity'."

An American Duty

Defense Counsel Belli seems to depend most of all on the testimony of psychiatrists whose finding of Ruby's incapacity to know the nature and consequences of his act is reported to run from a history of epileptic seizures producing blackouts to the theory of an emotional disturbance traceable to a subconscious homosexual desire for President Kennedy. Any prisoner is entitled to any defense he can get; but it seems dreadful that a man whose charm was so perfectly tuned to the highest sensibilities of almost anyone who ever observed him should have his memory evoked now as the object of an affection this sick. Ruby carries, as an insurance against xenophobia, an associate counsel, Joe B. Tonahill of Jasper, Texas, a huge bawling wrangler of country juries, whose defense is that the rotted vegetable of Mr. Belli's conception was, on the contrary, a patriot who shot a Communist as a soldier might have shot a Communist in Korea. Mr. Tonahill almost never discusses the Ruby defense without saying that this is the most important case in his career. There must be a moment to come when he can remind the jury of the patriotic duty of every American to shoot rats; and, at intervals last week, he asserted that notion, assured that it would arouse the attention of the journalists and apparently unconscious of what it might do to the antipathies of appellate judges.

Was it Herodotus who told his readers about an island where the wild mares were made pregnant by the wind? Our scientific disciplines are less credulous; we know that there could be no one island where every mare is so susceptible; but we are left to wonder whether there is an island anywhere which does not contain at least one mare that can be so impregnated. Could Jack Ruby be that sport among mares and could the camera and the radio microphone and all the machinery for shouting the truth in an instant be his impregnating wind?

After he shot Oswald, Jack Ruby was arrested by the same police department which, for the convenience of visiting journalists, made a public announcement of the hour and the route Oswald would travel to the county jail. He is being prosecuted by Henry Wade who, again to satisfy the necessities of the newsmen, said publicly that he had persuaded juries to electrocute murderers on evidence no stronger than what he had now on hand against Lee Oswald. The peace officers and the people's attorney of Dallas were more anxious to protect their city against the slights of journalists than the shots of the lyncher; they were the ones who provided Jack Ruby with the assurance of his victim's guilt and who left open to him the target of his impulse.

One meets people who knew him in Dallas and who pity Jack Ruby for his situation, but who cannot believe that he could have killed Lee Oswald for any reason except his own advantage. We cannot dismiss that motive entirely; cities get the immigrants they deserve; the main delusion Dallas holds out to its immigrants is the hope of becoming rich and noticed. They fail in most cases, and the city is remorseless to anything not visibly successful and shockingly up-to-date. Most buildings in Dallas that have survived more than a generation look like the old men who go to the newspaper rooms of public libraries; there seems to operate a kind of extension of Senator Goldwater's philosophy of poverty: to paint and repair an old building is to coddle the unfit.

"This city does place great store by success," Warren Leslie, a Nieman-Marcus vice president has remarked. "I think what really finished General Walker was nothing so much as his running sixth in a six-man Senatorial primary."

Jack Ruby failed by degrees. He began as proprietor of the *Interlude*, a club where he hoped established and successful citizens would bring their wives; Warren Leslie remembers meeting him when Ruby made his wildest reach for the stars and asked Nieman-Marcus to join his club. That vision withered and he opened another club called the *Carousel* where he hoped upward-mobile junior executives would come to mumble their sorrows to their secretaries. When that failed, he put in the strip teasers. The lowest rung on the ladder of the American enterprise of disappointing the unhappy in the expectation of entertainment is the

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strip parlor; no one who has endured the loneliness of being a customer can think without pain of the permanent aloneness of being its proprietor.

The strongest evidence for Dallas' certainty that Jack Ruby could not commit any act except for gain was his habit of pressing money on policemen and free drinks on journalists. He had been doing this for years. Did he never learn that no policemen stays bought when you need him, and almost no purchasable journalist is worth buying? He went on making these tenders. It would have been his nature to tell himself that he was generous for the sake of his business; to have been generous for any other reason would have been to confess yourself a sucker.

The Dallas Citizens Council lent Presiding Judge Joe B. Brown the services of the advertising agency of Sam Bloom to advise him on the handling of the attendant press. A judge with a press agent is one of those oddities which makes Dallas so cruel a parody; but Bloom's function was plainly not to puff Judge Brown up but to deflate him. The judge had rather thought to put the whole business, live, on television; that plan was vetoed by Bloom as agent of the hierarchy after a climactic scene in which the judge is reported to have pleaded: "But, Sam, couldn't you give me just one camera?"

District Attorney Wade equally resisted all efforts to allow Ruby to be transferred to any stage except the one in whose center he was entitled to stand. As the press list began to grow, it became obvious that Judge Brown's courtroom would be too small for the crush, and District Attorney Wade thought of transferring the case to a judge with larger quarters. Poor Judge Brown is said almost to have wept. In the end larger quarters were found.

So now Judge Brown presides in an apple-green washed courtroom under two generation-old pre-Raphaelite frescoes – one of the Lady Justice and one of the Lady Freedom. Their artist had the single but basic virtue of prophecy: his models have the pinched mouths and the sad eyes we associate with women in Dallas who spit on distinguished guests of the city. The Lady Freedom holds her torch as though waiting for a book to burn. Judge Brown's notions of humor and aesthetics were summarized in the moment when he surveyed the anatomies of these two dessicated vestals and told the international press: "Justice is better-stacked than Freedom." He started by smoking himself and letting the spectators smoke; but then notions of propriety overbore him and he forbade smoking and took to chewing tobacco.

The process of gnawing over the selection of the jurors was at once tedious and unnerving, because it was so hard to be sure just where Defense Counsel Belli was trying to win. He argued most of the time

Lock Step

that he had no chance to get a fair jury in Dallas, because its citizens had been ordered by their rulers to convict Jack Ruby and because almost all of them had seen Lee Oswald's death on television and thus had minds hopelessly contaminated by memory and by prejudice. At one point, Mr. Belli announced that the defense intended to subpoena as witness any prospective juror who had seen Oswald's killing on television and thus make him ineligible to sit as a juror. Joe Tonahill arose, waved a piece of paper, stalked to the witness box and solemnly proclaimed to one venireman: "Sir, as an officer of the court, I serve you this subpoena as a witness." It was one of those brilliant strokes Perry Mason always comes up with after the third commercial, while the District Attorney shouts his protests and the judge sits silent and then says "I'll allow it." But we were in the real world; Judge Brown ordered Tonahill to sit down and quashed his subpoena.

A Dallas criminal lawyer has observed that the Ruby defense had one sound practical reason for wanting to move the trial somewhere else in Texas: Dallas juries have been educated to give stiffer penalties for acts of violence than jurors in the little towns they left behind.

The first day of the jury-pick was terrible for the

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defense and nowhere more terrible than in the face of the first venireman to be called. He was an industrial illustrator – a college graduate in Dallas is apt to be an engineer – who was 35 years old and anxious to do his duty. He believed in the death penalty, he said: "I would never restrict society to where it could not rid itself of undesirable elements it could no longer tolerate." Mr. Belli asked him at one point whether he believed that the insane should be put to death to save the state money; he answered that what society does with them is for society to decide. At that point the European journalists began whispering that the spirit of Dallas was the spirit of Eichmann. The engineer seemed plainly to believe that the murder statute of Texas is as firm a guide to judgment as a ruler is to the width of a piece of paper. District Attorney Wade gladly accepted the engineer.

There are at bottom only two sorts of jurors: the ones who are for the government and the ones who are against it. No lawyer can ever be sure who is what; still his ration of guesses is limited. Texas law allows Mr. Belli to challenge as many as 15 veniremen, otherwise acceptable to the judge, for no reason except the suspicion that they might have temperaments hostile to anyone in trouble with the state. In the case of the engineer, Mr. Belli was looking at someone who, by every evidence, was conditioned to look for direction from constituted authority; no defense could risk that, however, and after three hours Melvin Belli exercised his first peremptory challenge.

The Wrestling Match

Those called through the rest of the first day seemed, in the main, almost as anxious as the engineer to qualify. Now once a juror is seated in a Texas criminal case, he is sealed off in a cubicle upstairs from the court and forbidden to see wife or child or to talk to any person except the bailiff and his brother jurors. The trial could last for weeks. Yet prospective jurors fought to sustain the rote that they were innocent of any opinion about and almost ignorant of the occasion for Jack Ruby's presence in court. This form has never seemed emptier than applied to a business observed by innumerable small children in their living rooms. Occasionally, a spectator thought he observed someone called by duty, but most of the time there was only the recognition of how many lives there must be like Jack Ruby's, so starved in the family that they can hope only to be fed by history and to have identity only from their association as judges of the last hulk of living flesh left over from the death of John F. Kennedy.

Mr. Belli worked slowly; he dug out challenges for cause, but, when he could not, and a juror had been accepted by Judge Brown, the defense would use up a peremptory challenge. Mr. Belli had used five peremptory challenges by the morning of the third day. There was a suspicion he might use all 15 just to delay the seating of a single juror and give more color to his claim that Jack Ruby could not get a fair jury in Dallas County. A show of this sort might be useful on appeal; but Mr. Belli could only produce it by disarming himself in his wrestle with the District Attorney over the mix of the jury. He would end, if he went on this way, by forfeiting to the District Attorney any discretion there might be in the choice of jury.

Then, on the afternoon of the third day, a young man with red hair sat down in the witness chair and identified himself as Max E. Causey, an electronics analyst. Belli began to chew at him according to the pattern of what now seemed his predetermination that no Dallas juror could be remotely acceptable. But there was a difference here. Causey certainly did not, he said, want to be on this jury, but he did not think he could choose to dodge it. Could you, Belli asked, be fair? "I asked myself if I had an opinion and I don't," Causey answered. Had he any experience with psychology? Causey answered that he had had some experience, many years ago, because he was a Master of Education. Mr. Belli's assistants were pulling at him now, in their anxiety not to have this unexpected present turned down, and suddenly Mr. Belli accepted Max Causey as the first juror. Max Causey put his hands over his eyes, unhappily swallowed the bitter draught of duty and went off to his confinement. Judge Brown began attending to his business; the parade of jurors went on. There was still one now and then dodging, feinting, and reciting the rote for the sake of his chance to be an historical footnote, but we were no longer on stage, we were in a courtroom, picking a jury.

The venireman Jack Ruby needed to fear was the one who looked as though he could have done what Jack Ruby did if he could have got 20 people to go along with him; the venireman from whom Jack Ruby could clutch hope was the one who looked least likely to suggest, let alone do, what Jack Ruby did. When the first week was over, the defense had used seven of its peremptory challenges, and had only eight left. But Belli had found another juror, Allen McCoy, a time-study engineer and, like Max Causey, a college graduate. Mrs. McCoy said, after her husband had been sealed away, that he had had a "premonition" that he would be captured by this duty and thus be unable to finish his den this spring. We had another new face with no desire to be an historical one. Already Dallas, would seem to have done Jack Ruby the one mercy of which he stands most in need: it has spared him a trial by a jury composed entirely of his peers.

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Intellectuals and New Deals

by Adolf A. Berle

Carlyle to the contrary, the history of a major change can not be written in biography; certainly not in as large a country as the United States where political action is based on public opinion and popular vote. A biographer nevertheless can contribute two vital elements less acutely presented in general history: the drama of a man, and, more speculatively, the effect of his thinking on national life. Essentially this is what Sternsher has done in his infinitely careful, well-documented chronicle of Rex Tugwell's entry into the New Deal and his work in it until he resigned as Undersecretary of Agriculture in 1936. A closing and valuable part of the book is a chronicle of Tugwell's ideas and an estimate of their influence on American affairs.

Rexford Tugwell and the New Deal
by Bernard Sternsher
(Rutgers; $9)

The book is difficult for me to review because it is inseparable from its hero. He has been a colleague and friend through many years. I and many of my friends appear often in it. Certainly I was part of that struggle. Professor Edward Channing taught us as graduate students in history at Harvard that recollection and reminiscence are not sound historical materials. They may exhibit the character and quality of the reminiscer, but are rarely exact evidence either of events or of their motivation. Sternsher has painstakingly collected the documentary evidence and contemporary opinion of what happened. Resisting the temptation to reminisce, and with occasional differences, I am prepared to accept his chronicle as accurate, though, being biography, and not history, it presents only a limited sector. Despite that, it does present a fair picture of a big time and captures the atmosphere of the vast campaign to reorganize the United States, behind which were fought a thousand battles on major and minor issues, unlimited numbers of personal and local power conflicts, and not a few ethical contests.

In this respect, the history of the New Deal somewhat resembles the tangled history of the French Revolution, though the historical outcome was entirely different.

In a broad sense, the New Deal was an institutional revolution. It shifted the major centers of economic power from private to public institutions. President Roosevelt and his intellectual as well as political cohorts quite consciously chose not to make it a socialist revolution. Thereby the intellectuals around FDR incurred the lasting enmity of a small but vocal extreme left wing, who hoped – as some still hope – to work up a sort of class war in a country which neither needs nor provides adequate material for that grim adventure. Tugwell (as also this reviewer) at the climax of his career nevertheless was assaulted as a "socialist" by right-wing forces of finance, business and their political representatives who were losing power. Simultaneously the left considered we had missed (or funked) a golden opportunity to force a class revolution, European-style.

Both charges had elements of truth. We certainly followed Franklin Roosevelt in his determination to take economic power from the financial rulers in New York and their satellites, and to place it for the time being in Washington. We certainly refused to take advantage of the economic collapse to set up state socialism (let alone Communism) or to intrigue within the government to prepare such a development. We did undertake through democratically adopted measures to redistribute the national income, steering more of it toward the least-favored among the population. We hoped for a better distribution of wealth. We did intend that the federal government should take over the ultimate controls of currency and credit (as it did), and the power, where necessary, to allocate capital resources as well. We did hope for the location of residual power over the economic system in the hands of the democratically-elected Congress and the United States government, while maintaining non-statist enterprise as the major method of production.

Most of this was achieved, and in doing so Franklin Roosevelt quite consciously made the decisions. Thereby he (and we) – literally – violated dogma right and left. All of us believed in democracy, not in dictatorship of "the proletariat" (or indeed of anyone else), whereas neither the extreme left nor the extreme right really accepts democracy at all. For once in history, the pragmatic, socially-minded reformists won, succeeding in doing what Mirabeau and the moderates attempted but failed to bring about in France between 1789 and 1793.

The left-wing charge may be dismissed summarily. No mandate whatever to convert the United States to socialism was sought in, or could be extracted from, the campaign of 1932. That charge boils down to anger that the "Brain Trust" (and especially Tugwell and myself) did not intrigue, still less plot, against the State to do so. Factually, as Sternsher points out, there were tiny Communist groups (notably the "Ware" group and Lee Pressman) who entered the administration at low levels and who probably wanted just that. Neither President Roosevelt, the public, the Brain Trust nor any of us wanted any part of it. So far as I know, no one even dared to suggest it to anyone in authority. The left-wing extremists joined with the extreme right in attacking Tugwell when he became the chief target of Roosevelt's enemies because they recognized him as an obstacle.

The right-wing Republican opponents for their part, notably the reactionary

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Liberty League, thought they could defeat Roosevelt in 1936 by creating the impression his administration was an overt socialist and a covert Communist plot to transform the federal government into some sort of personal dictatorship. This was pure political moonshine. Yet, exaggeration aside, the Republican attack had a minimum of intellectual validity. The New Deal did intend to make so-called "private enterprise" and the property involved in it ultimately responsive to the decisions of a democratically-elected political state. That was accomplished, and is the system today. It also intended to maintain non-statist enterprise as a chief method of production – which also is the situation now.

The New Deal and its intellectuals also considered that private property, especially when aggregated in vast corporate organizations, had not, and intended that it should not have, constitutionally (let alone, divinely) guaranteed privilege of economic decision making, beyond the control of democratic political decision and without responsibility for social result. This set up a constitutional battle in the courts as well as political battles in Congress and at the polls. Roosevelt emerged triumphant in both, though in the courts it took the "court-packing plan" and unlimited and magnificent statesmanship by Chief Justice Harlan Stone to establish – subject to the Bill of Rights – the capacity of the Congress to modify 19th-Century conceptions of private "property." In 1964, the results are obvious. Under the old system, substantial evolutionary changes in the economic system would have required change of the Constitution, if not actual revolution. Today these can be obtained by the ordinary political process of winning elections and passing laws.

A major though subsidiary struggle found Rexford Tugwell and me on the same side of a hotly contested issue. His formation was economic (stemming partly from Veblen) and pragmatic, stemming from his critical observation of American and Soviet agriculture. Mine was juridical, with an economic background. Both of us considered that a government should not be continuously at war with its productive machinery. In the American case, most of the industrial production was (and still is) carried on by large corporations. Their success on the productive side was indisputable then as it is today. We therefore tried to work out bases and methods of cooperation. The American corporation is unrivalled as a productive instrument, and can be a good servant; we needed all the production we could get for the things we hoped to do. Equally, these institutions could be and had been extremely bad masters.

Socialist groups, and most non-socialist liberals, despite complete difference in their proposed remedies, objected (they still do) to sympathetic cooperation between government and "business." Both asserted that institutions devoted to private profit must necessarily be opposed to the interests of the community. The non-socialist liberals contended during the New Deal that the only means of curbing the power of corporations was to break them up – "atomize them" – in the interest of democracy. This theory involved a throw-back to the economics of the 19th Century. Essentially it was nostalgia for Adam Smith's "free market" composed of many small competing interests, irrespective of the waste, the human cruelty and the instability that those markets historically entailed.

This school of thought in 1934 had wider polticial support than we did. Enmity to "the interests" and anti-trust action were certainly in classic American tradition. When the Temporary National Economic Commission held its hearings, this conception dominated its proceedings, though that Commission reached no clear-cut conclusions and had little practical result. Today (nearly thirty years later) the situation has stabilized itself more nearly along the lines of our thinking. "Atomization" as a cure for "bigness" is no longer seriously accepted, though bigness may, and frequently does, require restraint and is tolerable precisely because its results are subject to control as need arises. As Tugwell foresaw and as both of us then urged, political-economic progress in the United States moves forward more through national, social and economic planning than through reliance on atomization and "free markets" which destroy themselves unless the political

A piece of the action from Newsweek:

"Craggy steppingstone"

"Appalachia is an evocative word. It conjures up legendary names like Boone and Crockett, fabled Americana like the Hatfield-McCoy feud, pungent place-names like Granny's Branch and Pigeonroost. Appalachia was the wild, craggy, menacing steppingstone to the U.S. West. In folklore, it became the land of the long rifle, the moonshiner, the child bride, and the revenooer no less than the timeless locale of Li'l Abner's Dogpatch. Physically, Appalachia today is the spit and image of its legends, but instead of lean, inscrutable mountain patriarchs, there are tired, numbly polite men presiding over clans of birth-worn women and tribes of pasty-faced children."

From a recent Newsweek story.
A glimpse of how we read these days.
Have you read Newsweek lately?

Newsweek

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state continuously intervenes to maintain them.

Being a biography, Sternsher's volume follows Tugwell's activities rather than attempting an examination of the whole controversy. A more general and consequently more balanced picture of the internal ideological and policy struggle has been given by Arthur Schlesinger, Jr. in *The Coming of the New Deal.* Sternsher, though more limited in scope, is more detailed. The major experiments of the New Deal in planned economy were, of course, the National Recovery Act in industry, and the Agricultural Adjustment Act in agriculture. For the latter, Tugwell, first as Assistant Secretary and later as Undersecretary of Agriculture, with Henry Wallace as head of the Department, was primarily responsible. He considered the AAA not merely as serving the "interests" of agriculture, but as bringing agricultural prices and income into line with levels prevailing elsewhere in the country and as bringing production in line with need. The operation of that Act accidentally produced a violent conflict centering around the tiny extreme left group which had entered the government as part of the AAA (Lee Pressman, Nathan Silvermaster, Francis Shea, Alger Hiss). Pressman, Shea and Hiss were thrown out of AAA. Tugwell endeavored to save Jerome Frank – he was not even remotely a member of the extreme left, but behind him some of the leftists had disingenuously gathered. When the explosion was over, Tugwell ceased to interest himself in the Agricultural Adjustment Administration, and tackled other problems as head of the Resettlement Administration.

The incident contributed to an eventual parting of the ways between Tugwell and Wallace. In part, I think personal conflicts were responsible. In any case, Tugwell had become intolerable to the conservatives who mounted a massive personal attack on him. It was strictly dishonorable. Its spearhead was a group of lobbyists seeking to prevent passage of a really effective food and drug act Tugwell had sponsored to outlaw false representations in foods, drugs and cosmetics advertising. This threatened newspaper revenues, and (Sternsher believes) set the press as well as the business interests against him. At all events every kind of misrepresentation and abuse went on in the public prints as well as in Washington, within and without the administration. "Rex, the Red" became a vicious political slogan. At length Tugwell himself became wearied. His food and drug act was defeated in 1936 (later passed in 1938). The smears made him temporarily a political liability both to Henry Wallace (who had troubles of his own) and to the Democratic politicians. Roosevelt considered it wise to keep him inconspicuous during the 1936 campaign. As soon as the election was over, Tugwell resigned.

Sternsher believes this was tragic: "He was probably one of the few men – if not the only man – in Washington who could have put together an agency to attack rural poverty and misuse of land. Americans always need to be annoyed, especially in good times when reform is more manageable, about the condition of our poorest citizens – a condition which, in the opinion of some historians, ultimately determines the fate of civilization."

Was Tugwell impatient? Should he have withheld his resignation, staying by, playing through the next administration, hoping to accomplish more? I doubt it. The atomizers (Sternsher calls them "trust busters") leading to the "Second New Deal" were by then in the ascendant. Roosevelt's administration rested on a shotgun political coalition which included many forces antagonistic both to Tugwell's social ideals and to his methods – indeed, not too friendly to Roosevelt himself. Tugwell believed – I think wrongly – that Roosevelt was steadily leaning toward the conservatives in his coalition. In any case, Tugwell yearned for quiet.

The parting of the two men in 1936 was, I think, inevitable. A statesman, or if you choose, a politician, necessarily practices the art of the possible during his term of office. When compelled to leave aside great and sound visions with which he agrees, and with them their chief advocates, the politician is neither deserting a friend nor betraying a principle. He is merely practicing his profession, as he is bound to do. When the Brain Trust was originally organized, President Roosevelt said to me (and he meant it for the

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whole group), "You study the problems, work out the best answers you can, and bring them to me. Don't mix in politics – it is unpleasant, sometimes a dirty business. Leave that to me."

Steadily, it seems to me, Roosevelt chose as much of the ideas and measures we presented to him as he believed he could translate into reality. I have little patience with those liberals who thought he "let them down" because he did not go all-out for all their measures. He, not they, best knew what could be achieved. Certainly he, far better than they, could estimate the greatest common divisor of effective opinion in the Congress and in the United States. No one understood better than he the difference between "education" – preparing possibilities for tomorrow – and political action – designed to achieve tangible results today. In the grim business of separating today's possibility from dreams later to be achieved, friendship (it was real between President Roosevelt and his Brain Trust) never can and never should control the statesman. Roosevelt knew and appreciated Tugwell's quality. He also knew that Tugwell's ideas were not generally held, let alone likely to attract votes either at the ballot box or in Congress.

In hindsight, one may reason that Roosevelt should have known he would win the 1936 campaign anyway. But there was no such certainty at that time. Also, another element entered – an element ignored by Sternsher. This was the clear possibility that the Democratic Party might break up into factions. Roosevelt once spoke to me about that; he even correctly named the men who might engineer the split. I thought his fears groundless; yet later (as Roosevelt suspected) Wallace himself attempted to form a separate party and a powerful group of Southern Democrats also seceded. Finally, it is fair to say that Tugwell's bent toward collectivism went beyond Roosevelt's own philosophy, and certainly far beyond the philosophy of at least nine-tenths of the United States. The country was not ready to accept economic planning and direct action in the measure Tugwell then wanted, though it clearly is on the verge of adopting such planning today.

Not the least fascinating undercurrent in Sternsher's biography, as in the study of politics generally, is the effect of ideas on political result.

There are three methods of controlling events. The first is direct power-holding and decision-making – this deals with today. The second is elaboration and communication of ideas. This opens new lines of thought, suggests new possible measures through discussion and debate, conditions opinion to accept some of them, and influences events a few years in the future. Third, of course, is the generation of a spiritual or philosophical current whose effects may be causative perhaps for millennia, though this last occurs rarely. Intellectuals in politics are most successful when they sharply distinguish which role they are playing. When they abandon the firing line, governed by the art of the possible, and undertake intellectual presentation of ideas and measures for later adoption, they are well advised to make the distinction deadly clear. I am not sure Tugwell always did that. It was easy for enemies to confuse Tugwell's intellectual picture of the distant future with his specific present political objectives. It was still easier for them to misrepresent Tugwell's dreams as Presidential policy.

Important as ideas and conceptions are in politics – as Tugwell's were – honesty compels qualification. Any current of ideas in political action is invariably mixed, modified, minimized, or maximized by the impact of historical events. New premises are consistently being added; old ones may have to be discarded. The New Deal intellectuals undoubtedly changed their ideas as they went along – they would have been stupid had they not done so. Communists and economic determinists view history as immutable fate, which I believe overstates the effect of on-going events. At an opposite pole are those who maintain that men and ideas control the course of history. I conclude that the two factors have about equal weight. The course of affairs is controlled about half by unforeseen events, half by humanely-generated ideas.

A final note – and it is no derogation of Tugwell who knows the score as well as most. Was he – were any of us – other than President Roosevelt himself – as important as biographies seem to make out? I wonder. All of us, however, can rest in cheerful assurance that at long last historians will implacably elevate the important to their real stature, and cut the notorious but unimportant down to size. Irrespective of that verdict, we can comfort ourselves with consciousness that high privilege and great good fortune allowed us to be among the many co-workers in a time of vast change.

In the year 1964, the forces generated by the New Deal have about accomplished their potential. Yet in the light of results, and comparing the situation today with that in 1933, it is impossible to deny that a great advance in American welfare was scored. Equally it is impossible to deny that the American economic system now permits, and social morality demands, a new huge advance of comparable proportion. I agree with Sternsher in believing this requires a far greater measure of forward social planning, a capacity to use new resources of technology to a degree thus far undreamed, and larger visions of the content of life than those dominating the hopes of the Roosevelt Age. This is as it should be. The new generation should begin where we left off.

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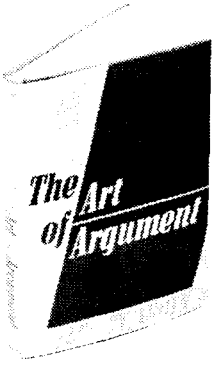

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Miss Bowen's Aging Girls

by Honor Tracy

It is a dismal fact and a grave injustice that childishness in the male should so often engage and endear, but in the female be merely repulsive.

While at St. Agatha's School, Southstone, in the summer of 1914 three little twelve-year olds solemnly bury a coffer in which a miscellany of objects have been placed, each girl adding an extra one whose nature is known only

The Little Girls
by Elizabeth Bowen
(Knopf; $4.95)

to her. The war breaks out and separates the children, as it would seem, forever. Many, many years afterwards one of their number, now Mrs. Delacroix and a grandmother, is methodically burying a variety of objects in a cave for the benefit of posterity when a puzzled onlooker happens to ask who will seal the cave up.

> "The effect of the question was out of all proportion with the question itself – and, as the minute lengthened, became still more so. Dinah first stared straight through Mrs. Coral, then shut her eyes – which she opened only to stare in other directions, in none of which did the eyes light on anything they appeared to focus. Showing frantic estrangement from all surroundings, she beat one fist . . . on the palm of the other hand. She seemed by turns to be seeking, listening, or dazedly simply waiting for some answer. . . ."

Mrs. Delacroix has suddenly remembered the burying episode at St. Agatha's: she sees now that the affair of the cave is only a repetition, the brilliant idea only the indulging of a propensity. Feeling compelled to get hold of the two other "little girls," she lays out a substantial sum in advertisements, of which

> "Will the former Clare Burkin-Jones and Sheila Beaker at once get in touch with the former Diana Piggott with whom they buried a box. Imperative Dicey confer with Mumbo and Sheikie. The past not so buried as it appears. Write Box XXXX,"

is one of the more lucid and coherent examples.

These advertisements, with their cryptic references to "the past," to "secrets," to the possibility of Mumbo and Sheikie being alive but in hiding or living under assumed names, are a sore trial to the ladies in question. Miss Clare Burkin-Jones has now become owner and manager of the Mopsie Pye chain of gift shops and Mrs. Artworth, *née* Beaker, is a Top Woman in Southstone itself. Painfully agitated, the two convene in Knightsbridge, Mrs. Artworth wearing as a means of identification a hat of pink roses, Miss Burkin-Jones an arresting brooch from the Mopsie Pye stock, for long disfiguring years have passed since they saw each other last. Contact with Dicey is then established: a flashback of the school episode intervenes: relations are resumed between the three, light is supposedly thrown on both the past and the present.

Miss Bowen offers her new novel as a comedy, which it ought purely and simply to have been, and a fairly broad one at that. On the comic level it is delightful. Her eye for the grotesque is as sharp as ever, her wit as keen and ready and, as always, she writes magnificently of the appalling young. Her schoolgirls, reciting poetry with the emphasis all wrongly placed, bathing in frilly scarlet caps and navy bloomers and wildly shrieking as their harassed guardians whistle directions at them from the beach, or taking part in a birthday picnic by the sea – in itself a little descriptive *tour de force* – are of a splendid if horrible authenticity.

She has, indeed, extended her already impressive range in the person of Francis, a frightful, eavesdropping, letter-reading, self-pitying and self-admiring Maltese youth in the service of Mrs. (Dicey) Delacroix. Of the little

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horror's wall-eye Miss Bowen writes, "the arrangement seemed, if anything to suit him . . . he met himself constantly in the mirrors and looking-glasses about the house not only without turning a hair but with, by all signs, fortified self-esteem." Poor Dicey being in the end spiritually and physically overthrown, Mrs. Artworth, throughout in a peculiar kind of rivalry with Miss Burkin-Jones, seizes the job of nurse: a situation on which Francis delivers a commentary, opening:

> "This one's object being to succeed in keeping everyone else out. That you will soon see. Gin and tonic is what she drinks, if you want to know: that is to say, so far. I would not put it past her to switch to Scotch as the night goes on. . . . However, the other is at the bottom of it, if you ask me. Battering and ringing? – she beat the postman: but that her instrument was the telephone. *She* was the one who'd been here with us the Sunday it happened, as you no doubt know? Nor when gone was she gone – anything but! Oh no."

And in the role of honor mention has to be made of a lunatic telephone call to Sheikie from Dicey, with explanatory asides to Mumbo:

> "Oh, *Sheikie, hallo!* Why yes, of course I am me. (She knew my voice.) I was just telling Mumbo, you knew my voice. Yes, of course she is here. Or rather, I am with her. . . . (She wants to know what your shop's like.) I was telling Mumbo, you want to know what her shop's like . . ."

and so on for a long, rewarding page.

As a whole, however, the novel comes to grief, partly through the sheer amazing silliness of the plot and partly because Miss Bowen tacks incontinently about from the ironic to the all-but-hysterical in her treatment of the heroines. I feel here, and have often felt before, that just when Miss Bowen's dazzling comic gifts are getting under way her Demon whispers, "Now now! remember, you are a *subtle* writer, a *sensitive* writer, a *poetic* writer"; and, in the words of the immortal lady in the wig, "and so the vision fadeth."

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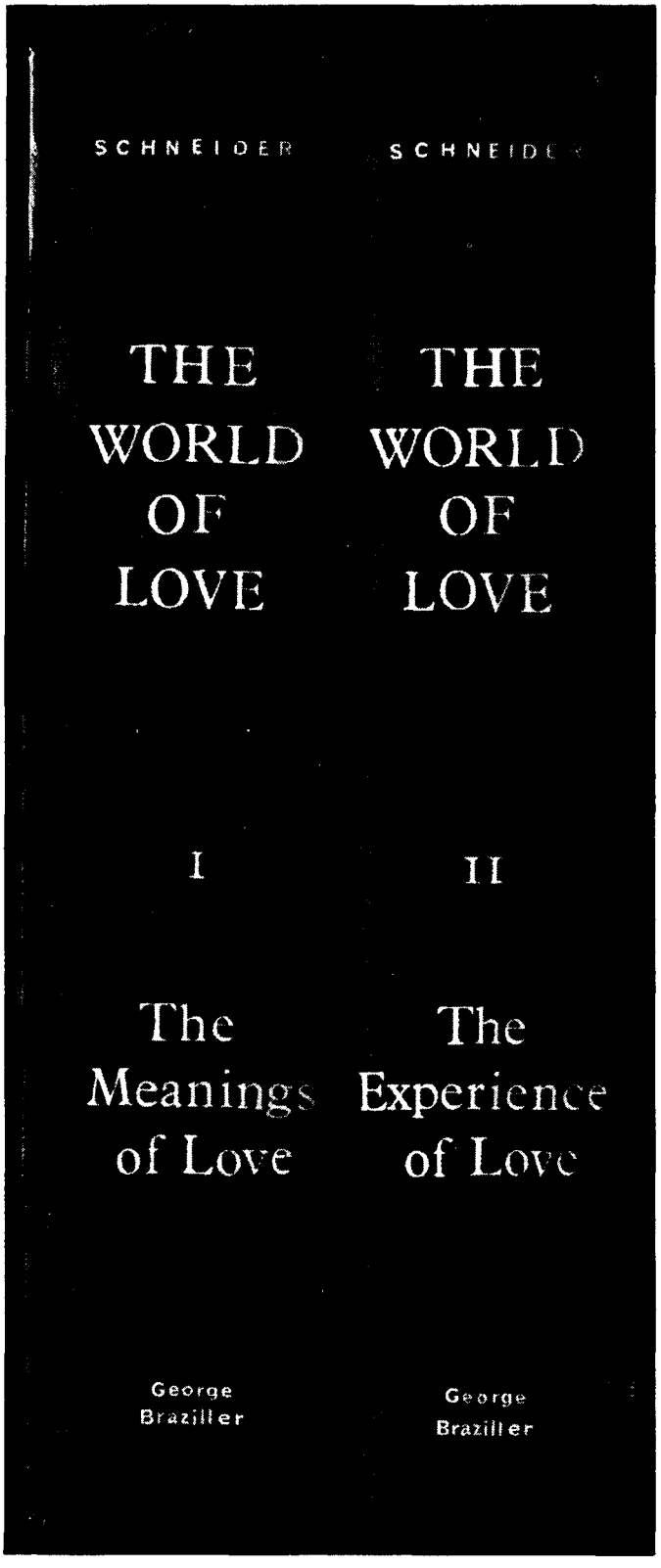

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The European as Revolutionary

by Irving Howe

"Even before I emerged from childhood, I seem to have experienced, deeply at heart, that paradoxical feeling which was to dominate me all through the first part of my life: that of living in a world without any possible escape, in which there was nothing for it but to fight for an impossible escape. I felt repugnance mingled with wrath and indignation, toward people whom I saw settled comfortably in this world. How could they not be conscious of their captivity, of their unrighteousness?"

Memoirs of a Revolutionary, 1901-1941
by Victor Serge
translated and edited by Peter Sedgwick
(Oxford; $10)

These ringing sentences open Victor Serge's memoirs of his life as a European revolutionist. Few Americans could, in good faith, say as much: perhaps none but a handful of jail-hardened militants at the outer edge of the Negro movement who have chosen alienation from American society as a badge of honor. But in the Europe of the past seventy-five years it was possible for thousands of men to speak as Serge did, without seeming vain or histrionic. Bourgeois intellectuals and half-educated proletarians, they declared themselves enemies of society, rejected its pleasures and corruptions, and fought a bitter war against its very existence. Nothing quite like this had occurred in the Western world since the rise of apocalyptic sects in the Middle Ages; even in the French Revolution few, if any, of the major figures regarded themselves so completely as men beyond the margin.

Anyone unable to imagine the social and moral pressures which drove some of the best Europeans to a life of estranged rebellion, is immediately disqualified from understanding 20th-Century history. This includes, I suspect, most Americans, even those who are well-educated; the historical sense does not flourish among us. But for readers who do wish to grasp the special qualities of recent European experience, who want to see at close range how the pressures of inherited evil produced a systematic extremism, Serge's memoirs are indispensable. Here in a nervous impressionistic style – Serge was a master of the historical vignette – is a classical account of the European as revolutionist.

Turning back to his youth among the Belgian anarchists, where he encountered a demi-world of intellectual desperadoes "athirst for the absolute"; tracing his involvement during the twenties in the Communist movement and his early adherence to the Trotskyist opposition, as a result of which he suffered a near-fatal exile to Central Asia; and completing his account with the fall of Paris, a flight to Mexico, where he died in 1947, and final years of loneliness, during which he drove himself to those lacerating intellectual reconsiderations that were the common fate of all the more thoughtful radicals who had survived Hitler and Stalin – Serge, as he tells this story of revolt, wandering, heresy and defeat, seldom stoops to self-apology or romantic nostalgia. He regards his life with a mixture of authority and detachment, aware of his own self both as a theater for the clash of political forces and as an independent organism with desires and frustrations. He is quite free of that masochistic, Koestlerian sourness which mars the confessions of so many ex-Communists. It is as if he were saying: this was the experience of a committed man, so it was and so, perhaps, it had to be.

Serge was never a Marxist theoretician, neither in the imposing sense one associates with the names of Trotsky and Bukharin, nor in the pompous style of the routine Communist functionary. He was primarily an observer, a superior journalist from whose books there emanates the heat and turmoil of historical immediacy. For Serge the social photograph was always more important than the social theory, and as a consequence the world of early Communism which he sketches in his best chapters comes to seem a credible *human* world, full of variety and conflict, illustrating the usual range of conduct from heroism to venality, and very far indeed from that static demonology which certain theorists like to attribute to Communism.

Trotsky, though he liked Serge, condescended toward him. Serge, felt Trotsky, was a literary dilettante who, while utterly devoted to the cause of socialism, would not become a disciplined follower of the Trotskyist or any other left-wing party. In the sense that Trotsky meant it, Serge was indeed a dilettante, but that is precisely a major source of his strength as a memoirist: he cared about nuances, textures and quirks of experience, he refused to dissolve men into historical forces. In addition to the *Memoirs* he has left several other works that deserve to be remembered, most notably *L'An I de la révolution russe*, a first-hand account of early Bolshevik Russia that cries out for a complete translation (parts appeared in an American Trotskyist journal some years ago), and *The Case of Comrade Tulayev*, an exciting novel about Russia during the years of the Stalinist terror, which has recently been published in paperback by Anchor.

The *Memoirs* themselves are rich with

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historical portraits, some of famous men and others of figures quite forgotten, such as the Old Bolshevik, Boris Eltsin, whom Serge met after both had been exiled by Stalin and who "would make tea, like the old student he was, and at last smile, bright-eyed, and say: 'Tonight I read a page of Hegel over again: it's a tremendous stimulant for the mind'." If, as I have said, reading this book makes it difficult to sustain the demonological view of modern Russian history, it also convinces one, since the evidence comes from a man who never became a professional anti-Bolshevik, that a strong element of authoritarianism lay at the very heart of Leninist doctrine and practice. This was not the only element, nor was its triumph inevitable, but strong it certainly was. What Serge writes on this theme remains quite to the point: "It is often said that 'the germ of Stalinism was in Bolshevism at its beginning.' Well, I have no objection. Only, Bolshevism also contained many other germs.... To judge the living man by the death germs which the autopsy reveals in a corpse – and which he may have carried in him since his birth – is this very sensible?"

The most vivid pages in these *Memoirs* sketch the darkening of Russian life during the twenties as the dictatorship consolidated its power and Stalinism edged toward terror. In 1926 Serge encountered a former Chekist, Konstantinov, notorious for brutality. Now, himself in opposition to Stalin, Konstantinov "unveils his secret" to Serge and it is a scene worthy of Dostoevsky:

> "The secret is that everything has been betrayed. From the years that Lenin was alive, treason had wormed its way into the Central Committee. He knows the names, he has the proofs.... He whispers the names of foreigners, of the most powerful capitalists, and of yet others, which have an occult significance for him. He specifies a city beyond the Atlantic. I follow his chain of reasoning with the secret uneasiness that one feels in the presence of some lunatic logician. And I observe that he has the inspired face of a madman."

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madness which later will be transformed into the system of bureaucratic slaughter.

This is a book with the mark of sincerity, the sincerity of a man who paid for his knowledge but who emerged from disenchantment still glowing with the idealism of his youth. I find it a rare and lovely thing, and if I were teaching 20th Century history in an American university, I would ask my students to read this book as a way of reaching to the inner quality of a crucial modern experience.

The translation by Peter Sedgwick is expert, and his introduction a model of political intelligence. But who is he? One wishes the publisher had told us more about him than the fact that he lives in Liverpool. And one wishes a book of this kind could be priced more reasonably. Those who might care to read it are least able to afford $10 a copy – though the publisher could reply, with some justice, that the smallness of their number explains the steepness of his price.

This is the first section of a two-part essay. The second installment will review the third volume of Isaac Deutscher's biography of Trotsky.

In Contempt of Justice

by Thurman Arnold

One of the most depressing legal developments of our time is the increasing interference with individual privacy, free speech and association which has resulted from the broad application of the power to punish for contempt indulged in by our courts. This book is a clear and eloquent presentation of the history of the contempt power and the dangers inherent in that power as it is being used at present. The book will prove to be as interesting to laymen as it is to lawyers.

The Contempt Power
by Ronald L. Goldfarb
(Columbia; $7.50)

As the author points out, the contempt power is based on a shaky historical foundation. It is full of contradictions and conflicts with the Constitution. In its most limited scope the power to punish for contempt is essential to permit courts to function in an orderly manner. But this includes only contempts in the presence of the court or so near as to interfere with its procedure. But many cases can be found, including dissenting opinions of Supreme Court Justices, that treat newspaper criticism of courts as conduct in the presence of the court.

Then there is the shadowy distinction between civil and criminal contempt. The catch phrase of that difference is that civil contempt is merely coercion of an individual to obey orders of a court. It is said that a defendant in a prosecution for civil contempt has the key to his own jail. However, that maxim is not followed. It is held that in a prosecution for civil contempt a jail sentence of definite duration may be given which the defendant will have to continue to serve long after he has ceased his disobedience to the orders of the court. From this has arisen the doctrine that every civil contempt involves a criminal contempt, and vice versa. And thus it follows that a man can be tried for both civil and criminal contempt in the same proceeding and without the jury, which would seem to be required by the Constitution.

Perhaps the most interesting part of Mr. Goldfarb's story is that which describes the judicial mess which a bare majority of the Supreme Court of the United States has made of the power of Congressional snoopers to pillory individuals on account of their opinions and associations. The First Amendment plainly says: "Congress shall make no law . . . abridging the freedom of

COMING

Robert Brustein's review of

The Deputy

the controversial play about Pope Pius XII and Nazi genocide

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speech or of the press; or of the right . . . to assemble and to petition. . . ." But a majority of the Supreme Court in recent years has resolutely refused to read that Amendment. "Why read it," they argue, "when all it does is to mislead." These learned brethren have discovered an occult meaning in the First Amendment which has nothing to do with its language. What it really means is that when some scared professor is hauled to Washington before some Congressional inquisition into current dangerous heresy which is sapping the life blood of this great Republic, and is asked intimate questions about his opinions and associations – going back over his entire life – and his wife's opinions and associations before and after he married her, and the opinions and associations of their relatives, in such a situation the First Amendment means that the court should balance the interests of the victim against the interests of his persecutors. As Justice Black points out, the balancing of these two conflicting individual interests is a most peculiar procedure. One might think that it was the *public* interest in free speech and privacy which should be balanced against the need of Congress for information in pursuance of a legislative objective. The individual who refuses to answer is more often than not a rogue or a crackpot. If it is only his interest that is relevant he would almost always lose. What right has an insolvent crackpot not to have his private affairs exposed?

That the public interest in free speech is irrelevant is shown by the refusal of a majority of the Court to consider the fact that these Congressional inquisitions frankly admit that the purpose of their public hearings is to expose persons soft on Communism so that others would be deterred from thinking or speaking along these lines. This would appear to an untutored mind to be a direct attack on freedom of speech. Such notions, however, are most effectively squelched by the majority of the Supreme Court drawing from its legal arsenal the doctrine that the court has no power to inquire into the motives of members of Congress.

At this point the reader will no doubt conclude that no citizen summoned before a Congressional inquisition has any rights which the grand inquisitors are bound to respect. But this conclusion will prove not entirely true. A doctrine holding that the questions must be pertinent to the inquiry has been rushed in as a substitute for the First Amendment. This doctrine has enabled the court to permit some of the subjects of Congressional inquisitions to escape the penalty they deserve on account of the foolishness of their political opinions. The doctrine of pertinency as first formulated by Mr. Justice Frankfurter provides in effect that a victim cannot be held as contumacious to the holy men of the Congressional inquisition unless it appears "with crystal clarity" that the question is pertinent to the inquiry. In other words, the witness cannot be punished for failure to answer questions about his private affairs and opinions unless such information is pertinent to the subject the committee is investigating. If, for example, the subject of inquiry is Communism in general, questions about the witness' political views are not pertinent. On the other hand, if the inquiry concerns Communism in New York such questions become pertinent. Why the larger inquiry does not include the smaller no one will ever know. It is sufficient for the lawyer representing the victim to know that every now and then somebody gets off under the merciful doctrine of pertinency.

The book is a fascinating study of the intricacies which make up the irrational maze by which the Supreme Court defines the limits of the Congressional power of contempt. At the same time it is a depressing book because it makes the reader realize the dismal failure of a majority of the Supreme Court of the United States to protect American citizens from the arbitrary abuse of the contempt power of Congress.

RECORDS

The Bruno Walter Legend

The publicity stories about the recordings of Bruno Walter's last years, and the reviews that are equivalents of publicity stories, speak of them as preserving a priceless heritage of performances which embody the final matured wisdom of one of the century's greats about the classical and romantic German repertory. Walter, when he was in full possession of his powers, certainly was one of the century's greats; but the *Luftpause* he introduces before bar 211 of the first movement of Mozart's G-minor Symphony, on Columbia ML-5894 (mono), or the retardation of bar 47 in the second movement, is not to my ears a stroke of final matured wisdom about the passage. What age seems to have brought here, rather, is an increase of a tendency that was evident even in earlier years, and a loss of the taste that restrained the tendency in those years. Even in 1937, when Walter was producing superb performances of *Figaro* and *Don Giovanni* at the Salzburg Festival, Toscanini's ear detected the flaw that he described in the remark to someone who repeated it to me: "When Walter comes to something beautiful he melts." That melting got to be a general softening which in the last years made his performances slack, flabby, unsteady in flow, deficient in vital energy, animation and sustained impetus. This was true of the recorded performance of Mozart's *Haffner* and *Jupiter* and Schubert's *Unfinished* and C-major Symphonies a couple of years ago; it is true now of the performance of Mozart's G-minor, and of Mozart's *Prague* Symphony on the same record; it is true, to a less damaging degree, of the performances of Mozart's *Linz* and E-flat Symphonies on ML-5893 (mono). But Walter seems to have been able to respond to the demand of animation and energy made by Haydn's Sympho-

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nies Nos. 88 and 100 (*Military*), much of which, on ML-5886 (mono), he performs moderately well with the excellent assembled orchestra that was kept unchanged for his recording sessions those last two years.

Writing for winds in combination Mozart produced textures that are ear-ravishing, and this not only in the major examples of such writing – the Serenades K.361, 375 and 388 of his Vienna years – but the smaller-scale Salzburg Divertimenti and even the still earlier and less consequential Divertimenti written in Milan. A group of first-rate wind-players from London's leading orchestras has recorded beautiful performances of the pieces, of which K.361 is on London CM-9346 (mono), K.375 on CM-9347 (mono) with the earlier Divertimento K.213 and earliest K.166, and K.388 on CM-9348 (mono) with the earlier Divertimento K.253 and still earlier K.186. I might add that the somber K.388, which is in C minor, I find even more impressive in its string version, the Quintet K.405.

Of Boccherini's writing, which is engagingly and at times excitingly individual in thought and procedures, Music Guild M-51 and S-51 offer three fine examples: the String Quartets Op. 58 No. 5 and Op. 64 No. 1 and the incomplete Op. 64 No. 2, with a quartet by Cambini that is merely pleasant. All are performed well by the Carmirelli Quartet.

Those who liked the *Troisième Ordre (L'Impériale)* and *Quatrième Ordre (La Piémontoise)* from Couperin's *Les Nations* that I reported on recently, will like the other two pieces of the set on Oiseau-Lyre OL-251 (mono): the *Prémier Ordre (La Françoise)* and *Deuxième Ordre (L'Espagnole)*, the latter of which I find the most impressive of the four. Good performances again by the little Jacobean Ensemble with Thurston Dart at the harpsichord.

Argo RG-237 (mono), issued here by London, has Tudor Church music by Weelkes and Tallis, of which Tallis' *In ieiunio et fletu* and *Audivi vocem* are especially fine. The vocal pieces are sung well by the Choir of St. John's College, Cambridge, under George Guest's direction; the organ pieces are played by Peter White. The vocal performances are recorded with excessive sharpness of sibilants, requiring reduction of treble.

And Argo RG-149 (mono) has Victoria's Responsories for Tenebrae, sung with less refinement of tone by the Westminster Cathedral Choir under George Malcolm's direction. The lack of separation on the record and of separate listing on the labels makes it difficult to find a particular piece one may want to hear.

The performance of Beethoven's *Fidelio* conducted by Fricsay that Deutsche Grammophon has issued on 138-390/1 (stereo), is the one issued on mono records a few years ago, and was recorded around 1957. At that time Rysanek (Leonore) and Seefried (Marzelline) had beautiful voices, and the tenor of Haefliger (Florestan) and baritone of Fischer-Dieskau (Pizarro) were fresher than they are now. With these, and with Gottlob Frick (Rocco) and Friedrich Lenz (Jacquino), it is an excellently sung *Fidelio;* and Fricsay paces it well for the most part – my reservations being concerned with the occasional slowing down of a piece, for expressive effect, where Beethoven doesn't request it, and the ineffectively slow tempos of the Prisoners' Chorus and the finale of Act 1. The chorus and orchestra are the excellent ones of the Bavarian State Opera; and the spoken dialogue connecting the musical numbers is included. I would say this is the performance for someone who insists on better singing and better sound than those of the Toscanini performance. And one performance or another should be acquired; for the nonsensical text is the occasion for some wonderful music – not only Leonore's famous aria but the beautiful first-act quartet *"Mir ist so wunderbar"* and poignant duet *"Wir muessen gleich zu Werke,"* the tremendous orchestral introduction to the dungeon scene and Florestan's *"Gott! welch' Dunkel hier,"* the affecting duet and trio and dramatic quartet that follow, and the sublime *"O Gott! welch' ein Augenblick!"* in the final scene.

For those interested in something unfamiliar and unusual in opera there are Janacek's *Jenufa* and *Katya Kabanova*, on Artia ALPO-80 and 85. The words are sung in an expressive arioso which occasionally leads into passages of lovely melodic writing – all in a context of a continuous flow of orchestral comment in an idiom which takes off from

A piece of the action from Newsweek:

"Cute-Meet"

"The lady and the psychiatrist meet at the complaint department of the department store, because his couch was sent to her and her couch was sent to him. Or the guy in the limousine splashes mud all over the girl, and it turns out he's a dry-cleaning king. Or they are alone at closing time on the Observation Roof of the Empire State Building—and each thinks the other is trying to commit suicide. The device, used to set off all romantic comedies, is called the cute-meet, and its survival in the history of the cinema is like that of the horseshoe crab in the history of life."

From a recent Newsweek Movies column. A glimpse of how we read these days. Have you read Newsweek lately?

Newsweek

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Dvorak's and Smetana's, but which dissonance makes modern, powerful and individual. The performances (in Czech, one of the less beautiful Slavic languages) have the adequate soloists and excellent chorus and orchestra of the Prague National Theater, conducted efficiently by Jaroslav Vogel and Jaroslav Krombholc.

B. H. Haggin

FILMS

Seven Days, Fulsome Praise

Rod Serling, a TV Olympian, wrote the screenplay of *Seven Days in May*, in the course of which Burt Lancaster says to Kirk Douglas, who has just complimented him, "Coming from you, that's pretty fulsome praise." I confess I have not checked to see whether the line is in the Knebel-Bailey novel or is pure Serling silver, but coming from me – for the whole picture – is some more fulsome praise.

Seven Days in May (Paramount)
The Fire Within (Gibraltar)

The political thriller, as in prime Hitchcock, is one of the best kinds of film entertainment. It becomes painful when we feel that it is taking itself seriously as education and political action, that the writer and director believe they have struck a telling blow for this or that cause. This was true of John Frankenheimer's previous picture *The Manchurian Candidate;* it is true in his latest. The portentous smugness of the script is matched by the incessant trickiness of the direction. What passes for brilliance in Frankenheimer seems to me merely busy memory and egotism unhampered by taste or substance.

The plot deals with an attempted military coup in Washington. The Chief of Staff is angry at the President's nuclear disarmament treaty with Russia and, believing that many agree with him, plans to kidnap the President and take over the government. An aide of his, a Marine colonel, stumbles on the plan and reports it directly to the President. The colonel is then asked to get further evidence on the Chief, which is procured in the form of letters to a former mistress. But in the clinch the President refuses to use blackmail; and a lucky accident provides the evidence needed to skewer the plot.

There are attempts to make the creaky melodrama seem courageous and mature by naming Joe McCarthy and General Walker; and by giving the President an understanding speech in which he says the generals are not to blame – in the nuclear age, frustrations are heightened and people strike out blindly for relief. This speech, typical of the TV *raisonneur* anxious to be brave but neat, does not quite account for military coups in the past or those today in countries without nuclear problems, and does no more than the film does to deal competently with this country's dangerous and growing anger with progress and the democratic process. Particularly in the light of last November, the film is impertinently frivolous; but its thin lotion of seriousness may soothe some who like a film to "say" something while it entertains them.

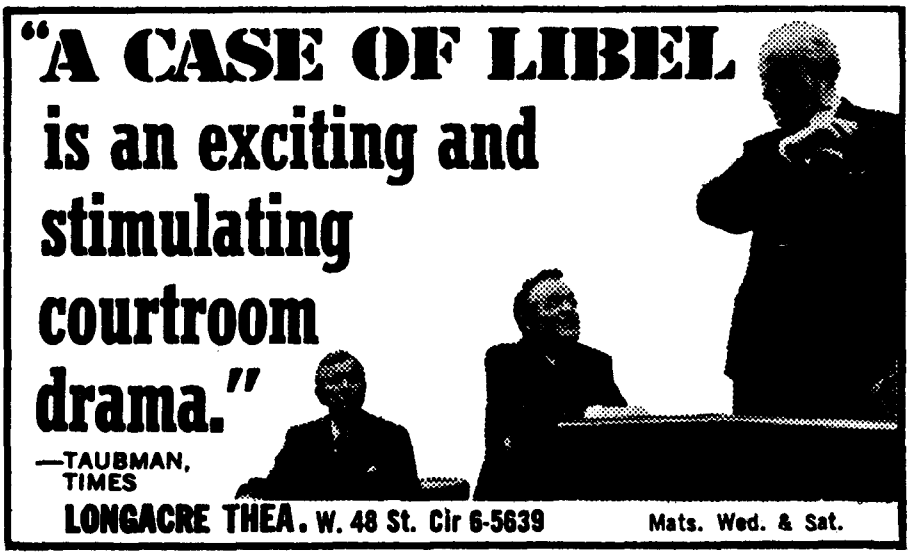
Besides the flashy lighting and cutting that try to provide a documentary texture, let us note also the new symbol of frankness in American films. Now we not only use occasional profanity and sexual reference, we also show toilets, which were once taboo. Here they are seen twice in the background, to heighten, one assumes, a sense of fearless candor.

Kirk Douglas, more restrained than usual, is the Marine colonel. Burt Lancaster, more Lancastrian than usual, is the Chief. Fredric March is the President, easily the most skillful of the three but an actor of diminishing force. The mistress is Ava Gardner, no longer a fresh-faced lass but more attractive than ever.

The young French director, Louis Malle, made an inauspicious debut a few years ago with *The Lovers,* fulfilled his lack of promise with *A Very Private Affair,* and underscored his coterie coziness with *Zazie.* He plumbs new depths of sententious boredom in *The Fire Within,* the story of the last 48 hours in the life of an unsuccessfully reformed alcoholic before he kills himself. The hero is of course soulful, suffering, symbolic; he is also loquacious and does not lack a gift for swan-song histrionism. He is never as interesting to us as he is to himself and to his many friends, who seem to like nothing better than to have a prospective suicide in for lunch or dinner and to attend carefully his wallowings in despair.

Maurice Ronet does much better by the part than it deserves and cannot be held responsible for its suffocating tediousness. Jeanne Moreau makes a brief appearance as a *très sympathique* friend, looking particularly – and no doubt deliberately – unkempt and dirty. For any Francophobe seeking an instance of French pseudo-profundity, this film will serve.

Stanley Kauffmann



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Correspondence

Bickel and the Law

Sirs:

As a law professor, Alexander M. Bickel has the credentials to quarrel with the constitutional principle in the Supreme Court's decision on Congressional districts, as he did in these pages last week, though I thought he added nothing but sarcasm to Justice Harlan's dissent. But when he becomes a political theorist, at the end of his comment, he gives up all claims of scholarship or even common sense.

The point he makes is that numerical equality is not the only objective of a system of representation: We also want to enhance the two-party system, etc. Fine. But what does it have to do with the issue at hand?

The existing gross disparities in Congressional districts do not serve any of the other benevolent ends mentioned by Mr. Bickel. No one stood before the Supreme Court and argued that Georgia was helping the two-party system or some such thing by having one Congressional district, around Atlanta, with a population of 823,680 and a rural district with 272,154. No one argued this because it would be laughable to do so. Everyone knows that the extreme maldistricting that afflicts this country results not from any political theory but from the ruthless determination of politicians in power to retain that power despite declining numbers of constituents.

Mr. Bickel's political science argument is apparently that nothing should be done about a condition seriously weakening American democracy unless all other problems of representation can be solved at the same time. The proposition carries its own refutation.

The other article by Professor Bickel in the issue of Feb. 29, on the civil rights bill, requires a factual correction. He said a phrase in the bill requiring cut-off of federal assistance "other than a contract of insurance or guaranty" would gut the executive order against housing discrimination. This language is in the second section of Title 6, a section which mandatorily directs action to end discrimination in certain programs, limited as he indicated. But the first section in the title declares that no person shall be subjected to discrimination in any program of federal assistance and leaves intact the President's discretion to carry out this aim by appropriate orders. Colloquies on the floor of the House of Representatives made clear that the housing order, specifically, would therefore not be affected.

Anthony Lewis
Washington, D. C.

Hanged, Drawn and Quartered

Sirs:

On page 4 (left hand column) of the February 15 issue, the statement is made: "A more modest proposal, by Senator Williams of Delaware, to recoup $40 million has already been quartered and may yet be drawn and hanged." I cannot let this ridiculous comment go uncorrected.

The expression apparently referred to is "hanged, drawn and quartered," a time-honored Anglo-Saxon punishment according to which the victim first was hanged by the neck but cut down while still alive, then was disemboweled and/or "had his private parts cut off" (*i.e.* "drawn"), and thereafter separated into four parts (*i.e.* "quartered").

Originally the quartering was done by tying the victim's limbs, one each, to four horses and spurring the horses to gallop away in four directions. At a later, more enlightened, stage the process was accomplished by means of a large knife wielded by a butcher or other expert.

Having in mind the connotations of "drawn" and "quartered," can you understand my objection to *following* these processes by hanging?

John T. Synnestvedt
Philadelphia, Penna.

Exodus

Sirs:

There is a continuing white exodus from the big northern cities with an inward migration of southern Negroes. In terms of school integration, the problem is: how can we maintain that which we have? There are many of us who enjoy the convenience of city living and take pride in a first-class inte-

A piece of the action from Newsweek:

"Mop Tops"

"Beatlemania has been pegged, by the sociologically inclined, as a protest against the adult world, but the grown-ups have it backward: the Beatles' appeal is positive, not negative. They give kids a chance to let off steam and adults a chance to let off disapproval. They have even evolved a peculiar sort of sexless appeal: cute and safe. The most they ask is 'I Want to Hold Your Hand.' Their mop tops, if not actually blurring the dividing line of sex, certainly soften it for many of their fans in their early teens, or younger. 'The Beatles are just so funny and nice and, well, cool,' said one New York 13-year-old."

From a recent Newsweek Music column.
A glimpse of how we read these days.
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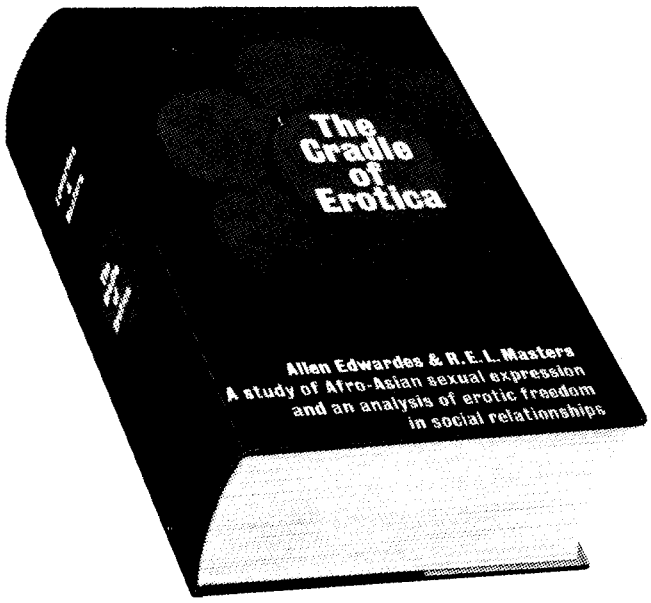
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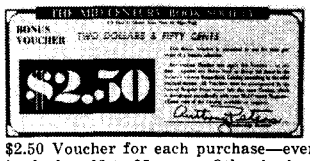

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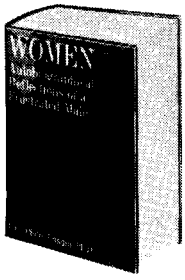

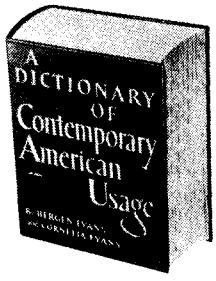

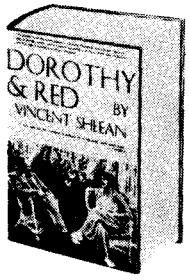

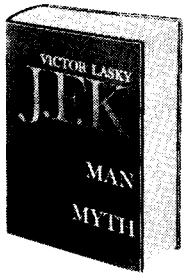

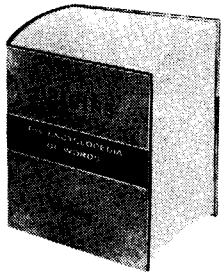

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grated neighborhood and school.

We hear proposals to bus small children away from neighborhood schools and to pair off schools in the Princeton Plan with long walking distances across many streets. What would this accomplish? It would only hasten the white exodus and the ghetto would grow larger. It would create a greater barrier between the races. The benefits of normal integration among children of similar economic and social backgrounds would be missing. Instead there would be bitterness and hostility, magnified by any incidents that might normally be expected.

There is a growing belief that the answer to better education in substandard ghetto schools is a crash program with smaller classes, remedial reading emphasis, after-school tutoring, preschool training to compensate for poor home environment, specially trained teachers, etc. Let us hope that more of our civil rights leaders will think along these constructive lines.

Maurice A. Berlinrut
Newark, New Jersey

De Gaulle in the China Shop

Sirs:

Louis J. Halle's article on de Gaulle, "He May Be Right About China But Wrong About Europe," (February 22) argues that de Gaulle's concept of nationalism is the key to his diplomacy, leading him, perhaps correctly, to recognize that China's position as a national power is more important than her Communist ideology, and, perhaps incorrectly, to feel that in Europe today national interests override the trend toward European unity. De Gaulle's concept of nationalism, however, is obviously only one premise of his diplomacy. As Walter Lippmann and many others have explained, de Gaulle also feels that the nuclear stalemate between Russia and us is permanent, opening new alternatives in Europe and across the world. Thus the success of his European policy depends on far more than any simple concept of nationalism.

Thomas A. Metzger
Carlisle, Mass.

Helping Migrant Children

Sirs:

Dr. Robert Coles, in discussing agricultural migrant workers (February 15), reported that the Child Guidance Clinic in Palm Beach County did not have any migrant children in Psychotherapy. He indicates that this is not a fault of the clinic but rather that "the case load comes heavily from middle class families." As Director of the "Child Guidance Clinic in that County," I would be extremely upset, regardless of what happens in other clinics, if a population group numbering approximately 20,000 had no access to the clinic and its services.

We do see some patients who are migrants. The reason we don't see more is because they cannot afford to use these services, even though they may be free. We are accustomed to thinking of cost in terms of money expended. However, the mother who loses a day's income to travel 50 miles to a clinic once a week to obtain psychotherapy pays an extremely high price for a result which is seldom immediate or tangible. The economic repercussions of a cut in income of a marginal family is often brutally tangible.

Charles Taffel
West Palm Beach, Florida

An F. R. Leavis Lectureship

Sirs:

A trust fund has been established to pay tribute to the work of F. R. Leavis as teacher and critic after his retirement last year. With the sum raised it is hoped to endow a lectureship at Cambridge bearing his name.

The Trust has an English committee, as well as a number of Consultants in countries around the world. The Consultants in the United States are: Professors Seymour Betsky, Fulbright Lecturer, University of Utrecht, The Netherlands, Reuben A. Brower, Harvard University, and Yvor Winters, Stanford University. Copies of the leaflet which describes the aims of the Trust may be obtained from The Secretary, F. R. Leavis Lectureship Trust, 28 de Freville Avenue, Cambridge, England; or from Mr. André Schiffrin, Pantheon Books, 22 East 51st St., New York 22, New York. Contributions may be sent either to The Secretary or to Mr. Schiffrin.

Seymour Betsky
University of Utrecht

NOTES ON CONTRIBUTORS

A. A. Berle *served as Assistant Secretary of State under Franklin Roosevelt and has continued in public life as an ambassador and consultant to Democratic Administrations. He is a professor of law at Columbia and the author of several books.* Honor Tracy *has written a new novel,* The First Day of Friday. Irving Howe, *who now teaches at Hunter College, has just published a collection of essays,* A World More Attractive. Thurman Arnold *was US Assistant Attorney General* from 1940 *to 1943. He now practices law in Washington.*

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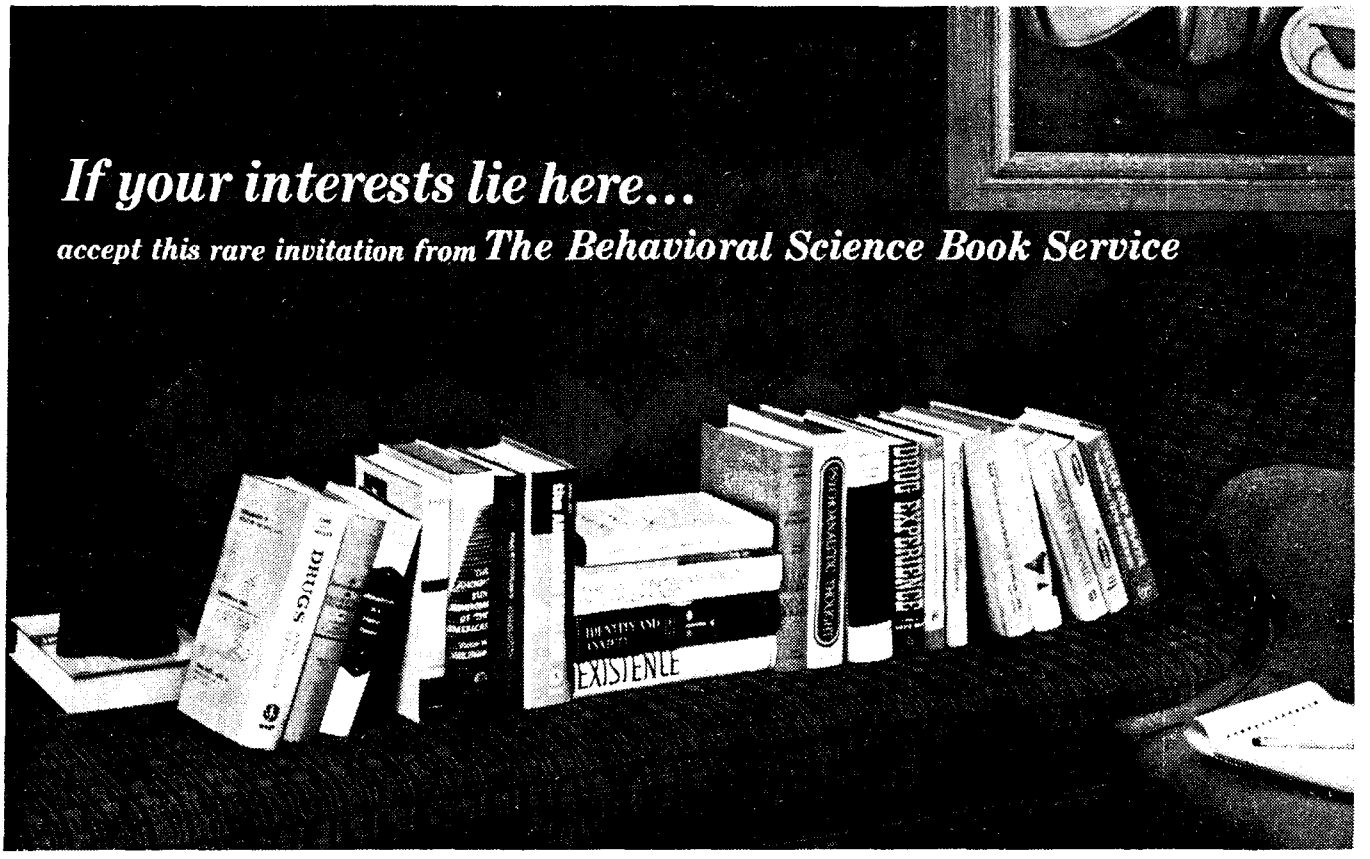

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